

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 711

94TH GENERAL ASSEMBLY

2008

3297S.21T

AN ACT

To repeal sections 52.240, 67.110, 135.010, 135.025, 135.030, 137.016, 137.055, 137.073, 137.082, 137.092, 137.106, 137.115, 137.122, 137.180, 137.245, 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 137.720, 137.721, 137.1018, 138.010, 138.050, 138.090, 138.100, 138.110, 138.120, 138.170, 138.180, 138.380, 138.390, 138.395, 138.400, 138.430, 139.031, 163.044, and 164.151, RSMo, and to enact in lieu thereof forty-four new sections relating to property taxation, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 52.240, 67.110, 135.010, 135.025, 135.030, 137.016, 2 137.055, 137.073, 137.082, 137.092, 137.106, 137.115, 137.122, 137.180, 137.245, 3 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 137.720, 4 137.721, 137.1018, 138.010, 138.050, 138.090, 138.100, 138.110, 138.120, 138.170, 5 138.180, 138.380, 138.390, 138.395, 138.400, 138.430, 139.031, 163.044, and 6 164.151, RSMo, are repealed and forty-four new sections enacted in lieu thereof, 7 to be known as sections 52.240, 67.110, 135.010, 135.025, 135.030, 137.016, 8 137.055, 137.073, 137.082, 137.092, 137.106, 137.115, 137.122, 137.180, 137.243, 9 137.245, 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 10 137.720, 137.721, 137.1018, 138.010, 138.050, 138.090, 138.100, 138.110, 138.120, 11 138.170, 138.180, 138.380, 138.390, 138.400, 138.430, 138.435, 139.031, 163.044, 12 164.151, and 1, to read as follows:

52.240. 1. The statement and receipt required by section 52.230 shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 mailed to the address of the taxpayer as shown by the county assessor on the
3 current tax books, and postage for the mailing of the statements and receipts
4 shall be furnished by the county commission. The failure of the taxpayer to
5 receive the notice provided for in section 52.230 in no case relieves the taxpayer
6 of any tax liability imposed [on him] by law. **No penalty or interest imposed**
7 **under any law shall be charged on any real or personal property tax**
8 **when there is clear and convincing evidence that the county made an**
9 **error or omission in determining taxes owed by a taxpayer.**

10 **2. Any taxpayer claiming that the county made an error or**
11 **omission in determining taxes owed may submit a written request for**
12 **a refund of penalties, interest, or taxes to the county commission or**
13 **governing body of the county. If the county commission or governing**
14 **body of the county approves the refund, then such penalties, interest,**
15 **or taxes shall be refunded as provided in subsection 5 of section**
16 **139.031, RSMo. The county commission shall approve or disapprove the**
17 **taxpayer's written request within thirty days of receiving said**
18 **request. The county collector shall refund penalties, interest, and taxes**
19 **if the county made an error or omission in determining taxes owed by**
20 **the taxpayer.**

21 **3. Nothing in this section shall relieve a taxpayer from paying**
22 **taxes owed by December 31st and paying penalties and interest owed**
23 **for failing to pay all taxes by December 31st.**

67.110. 1. Each political subdivision in the state, except counties **and**
2 **any political subdivision located at least partially within any county**
3 **with a charter form of government or any political subdivision located**
4 **at least partially within any city not within a county, shall fix its ad**
5 **valorem property tax rates as provided in this section not later than September**
6 **first for entry in the tax books. Each political subdivision located, at least**
7 **partially, within a county with a charter form of government or within**
8 **a city not within a county shall fix its ad valorem property tax rates as**
9 **provided in this section not later than October first for entry in the tax**
10 **books for each calendar year after December 31, 2008.** Before the
11 governing body of each political subdivision of the state, except counties, as
12 defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall
13 present to its governing body the following information for each tax rate to be
14 levied: the assessed valuation by category of real, personal and other tangible

15 property in the political subdivision as entered in the tax book for the fiscal year
16 for which the tax is to be levied, as provided by subsection 3 of section 137.245,
17 RSMo, the assessed valuation by category of real, personal and other tangible
18 property in the political subdivisions for the preceding taxable year, the amount
19 of revenue required to be provided from the property tax as set forth in the
20 annual budget adopted as provided by this chapter, and the tax rate proposed to
21 be set. Should any political subdivision whose taxes are collected by the county
22 collector of revenue fail to fix its ad valorem property tax rate by September first,
23 then no tax rate other than the rate, if any, necessary to pay the interest and
24 principal on any outstanding bonds shall be certified for that year.

25 2. The governing body shall hold at least one public hearing on the
26 proposed rates of taxes at which citizens [may] **shall** be heard prior to their
27 approval. The governing body shall determine the time and place for such
28 hearing. A notice stating the hour, date and place of the hearing shall be
29 published in at least one newspaper qualified under the laws of the state of
30 Missouri of general circulation in the county within which all or the largest
31 portion of the political subdivision is situated, or such notice shall be posted in
32 at least three public places within the political subdivision; except that, in any
33 county of the first class having a charter form of government, such notice may be
34 published in a newspaper of general circulation within the political subdivision
35 even though such newspaper is not qualified under the laws of Missouri for other
36 legal notices. Such notice shall be published or posted at least seven days prior
37 to the date of the hearing. The notice shall include the assessed valuation by
38 category of real, personal and other tangible property in the political subdivision
39 for the fiscal year for which the tax is to be levied as provided by subsection 3 of
40 section 137.245, RSMo, the assessed valuation by category of real, personal and
41 other tangible property in the political subdivision for the preceding taxable year,
42 for each rate to be levied the amount of revenue required to be provided from the
43 property tax as set forth in the annual budget adopted as provided by this
44 chapter, and the tax rates proposed to be set for the various purposes of
45 taxation. The tax rates shall be calculated to produce substantially the same
46 revenues as required in the annual budget adopted as provided in this
47 chapter. Following the hearing the governing body of each political subdivision
48 shall fix the rates of taxes, the same to be entered in the tax book. Failure of any
49 taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit
50 of any other legal remedy otherwise available to the taxpayer. Nothing in this

51 section absolves political subdivisions of responsibilities under section 137.073,
52 RSMo, nor to adjust tax rates in event changes in assessed valuation occur that
53 would alter the tax rate calculations.

54 3. Each political subdivision of the state shall fix its property tax rates in
55 the manner provided in this section for each fiscal year which begins after
56 December 31, 1976. New or increased tax rates for political subdivisions whose
57 taxes are collected by the county collector approved by voters after September
58 first of any year shall not be included in that year's tax levy except for any new
59 tax rate ceiling approved pursuant to section 71.800, RSMo.

60 4. In addition to the information required under subsections 1 and 2 of
61 this section, each political subdivision shall also include the increase in tax
62 revenue due to an increase in assessed value as a result of new construction and
63 improvement and the increase, both in dollar value and percentage, in tax
64 revenue as a result of reassessment if the proposed tax rate is adopted.

135.010. As used in sections 135.010 to 135.030 the following words and
2 terms mean:

3 (1) "Claimant", a person or persons claiming a credit under sections
4 135.010 to 135.030. If the persons are eligible to file a joint federal income tax
5 return and reside at the same address at any time during the taxable year, then
6 the credit may only be allowed if claimed on a combined Missouri income tax
7 return or a combined claim return reporting their combined incomes and property
8 taxes. A claimant shall not be allowed a property tax credit unless the claimant
9 or spouse has attained the age of sixty-five on or before the last day of the
10 calendar year and the claimant or spouse was a resident of Missouri for the entire
11 year, or the claimant or spouse is a veteran of any branch of the armed forces of
12 the United States or this state who became one hundred percent disabled as a
13 result of such service, or the claimant or spouse is disabled as defined in
14 subdivision (2) of this section, and such claimant or spouse provides proof of such
15 disability in such form and manner, and at such times, as the director of revenue
16 may require, or if the claimant has reached the age of sixty on or before the last
17 day of the calendar year and such claimant received surviving spouse Social
18 Security benefits during the calendar year and the claimant provides proof, as
19 required by the director of revenue, that the claimant received surviving spouse
20 Social Security benefits during the calendar year for which the credit will be
21 claimed. A claimant shall not be allowed a property tax credit if the claimant
22 filed a valid claim for a credit under section 137.106, RSMo, in the year following

23 the year for which the property tax credit is claimed. The residency requirement
24 shall be deemed to have been fulfilled for the purpose of determining the
25 eligibility of a surviving spouse for a property tax credit if a person of the age of
26 sixty-five years or older who would have otherwise met the requirements for a
27 property tax credit dies before the last day of the calendar year. The residency
28 requirement shall also be deemed to have been fulfilled for the purpose of
29 determining the eligibility of a claimant who would have otherwise met the
30 requirements for a property tax credit but who dies before the last day of the
31 calendar year;

32 (2) "Disabled", the inability to engage in any substantial gainful activity
33 by reason of any medically determinable physical or mental impairment which
34 can be expected to result in death or which has lasted or can be expected to last
35 for a continuous period of not less than twelve months. A claimant shall not be
36 required to be gainfully employed prior to such disability to qualify for a property
37 tax credit;

38 (3) "Gross rent", amount paid by a claimant to a landlord for the rental,
39 at arm's length, of a homestead during the calendar year, exclusive of charges for
40 health and personal care services and food furnished as part of the rental
41 agreement, whether or not expressly set out in the rental agreement. If the
42 director of revenue determines that the landlord and tenant have not dealt at
43 arm's length, and that the gross rent is excessive, then he shall determine the
44 gross rent based upon a reasonable amount of rent. Gross rent shall be deemed
45 to be paid only if actually paid prior to the date a return is filed. The director of
46 revenue may prescribe regulations requiring a return of information by a landlord
47 receiving rent, certifying for a calendar year the amount of gross rent received
48 from a tenant claiming a property tax credit and shall, by regulation, provide a
49 method for certification by the claimant of the amount of gross rent paid for any
50 calendar year for which a claim is made. The regulations authorized by this
51 subdivision may require a landlord or a tenant or both to provide data relating
52 to health and personal care services and to food. Neither a landlord nor a tenant
53 may be required to provide data relating to utilities, furniture, home furnishings
54 or appliances;

55 (4) "Homestead", the dwelling in Missouri owned or rented by the
56 claimant and not to exceed five acres of land surrounding it as is reasonably
57 necessary for use of the dwelling as a home. It may consist of part of a
58 multidwelling or multipurpose building and part of the land upon which it is

59 built. "Owned" includes a vendee in possession under a land contract and one or
60 more tenants by the entirety, joint tenants, or tenants in common and includes
61 a claimant actually in possession if he was the immediate former owner of record,
62 if a lineal descendant is presently the owner of record, and if the claimant
63 actually pays all taxes upon the property. It may include a mobile home;

64 (5) "Income", Missouri adjusted gross income as defined in section
65 143.121, RSMo, less two thousand dollars, **or in the case of a homestead**
66 **owned and occupied, for the entire year, by the claimant, less four**
67 **thousand dollars** as an exemption for the claimant's spouse residing at the
68 same address, and increased, where necessary, to reflect the following:

69 (a) Social Security, railroad retirement, and veterans payments and
70 benefits unless the claimant is a one hundred percent service-connected, disabled
71 veteran or a spouse of a one hundred percent service-connected, disabled
72 veteran. The one hundred percent service-connected disabled veteran shall not
73 be required to list veterans payments and benefits;

74 (b) The total amount of all other public and private pensions and
75 annuities;

76 (c) Public relief, public assistance, and unemployment benefits received
77 in cash, other than benefits received under this chapter;

78 (d) No deduction being allowed for losses not incurred in a trade or
79 business;

80 (e) Interest on the obligations of the United States, any state, or any of
81 their subdivisions and instrumentalities;

82 (6) "Property taxes accrued", property taxes paid, exclusive of special
83 assessments, penalties, interest, and charges for service levied on a claimant's
84 homestead in any calendar year. Property taxes shall qualify for the credit only
85 if actually paid prior to the date a return is filed. The director of revenue shall
86 require a tax receipt or other proof of property tax payment. If a homestead is
87 owned only partially by claimant, then "property taxes accrued" is that part of
88 property taxes levied on the homestead which was actually paid by the
89 claimant. For purposes of this subdivision, property taxes are "levied" when the
90 tax roll is delivered to the director of revenue for collection. If a claimant owns
91 a homestead part of the preceding calendar year and rents it or a different
92 homestead for part of the same year, "property taxes accrued" means only taxes
93 levied on the homestead both owned and occupied by the claimant, multiplied by
94 the percentage of twelve months that such property was owned and occupied as

95 the homestead of the claimant during the year. When a claimant owns and
96 occupies two or more different homesteads in the same calendar year, property
97 taxes accrued shall be the sum of taxes allocable to those several properties
98 occupied by the claimant as a homestead for the year. If a homestead is an
99 integral part of a larger unit such as a farm, or multipurpose or multidwelling
100 building, property taxes accrued shall be that percentage of the total property
101 taxes accrued as the value of the homestead is of the total value. For purposes
102 of this subdivision "unit" refers to the parcel of property covered by a single tax
103 statement of which the homestead is a part;

104 (7) "Rent constituting property taxes accrued", twenty percent of the gross
105 rent paid by a claimant and spouse in the calendar year.

135.025. The property taxes accrued and rent constituting property taxes
2 accrued on each return shall be totaled. This total, up to seven hundred fifty
3 dollars **in rent constituting property taxes actually paid or eleven**
4 **hundred dollars in actual property tax paid**, shall be used in determining
5 the property tax credit. The director of revenue shall prescribe regulations
6 providing for allocations where part of a claimant's homestead is rented to
7 another or used for nondwelling purposes or where a homestead is owned or
8 rented or used as a dwelling for part of a year.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after
3 December 31, 1997, but before calendar year 2008, be the sum of twenty-five
4 thousand dollars. For [the] **all calendar [year] years** beginning on **or after**
5 January 1, 2008, the maximum upper limit shall be the sum of twenty-seven
6 thousand five hundred dollars. **In the case of a homestead owned and**
7 **occupied for the entire year by the claimant, the maximum upper limit**
8 **shall be the sum of thirty thousand dollars;**

9 (2) The term "minimum base" shall, for each calendar year after December
10 31, 1997, but before calendar year 2008, be the sum of thirteen thousand
11 dollars. For [the] **all calendar [year] years** beginning **on or after** January 1,
12 2008, the minimum base shall be the sum of fourteen thousand three hundred
13 dollars.

14 2. If the income on a return is equal to or less than the maximum upper
15 limit for the calendar year for which the return is filed, the property tax credit
16 shall be determined from a table of credits based upon the amount by which the
17 total property tax described in section 135.025 exceeds the percent of income in

18 the following list:

19 If the income on the return is:	The percent is:
20 Not over the minimum base	0 percent with credit not to
21	exceed \$1,100 in actual property tax
22	or rent equivalent paid up to \$750
23 Over the minimum base but	1/16 percent accumulative
24 not over the maximum upper	per \$300 from 0 percent
25 limit	to 4 percent.

26 The director of revenue shall prescribe a table based upon the preceding
 27 sentences. The property tax shall be in increments of twenty-five dollars and the
 28 income in increments of three hundred dollars. The credit shall be the amount
 29 rounded to the nearest whole dollar computed on the basis of the property tax
 30 and income at the midpoints of each increment. As used in this subsection, the
 31 term "accumulative" means an increase by continuous or repeated application of
 32 the percent to the income increment at each three hundred dollar level.

33 3. Notwithstanding subsection 4 of section 32.057, RSMo, the department
 34 of revenue or any duly authorized employee or agent shall determine whether any
 35 taxpayer filing a report or return with the department of revenue who has not
 36 applied for the credit allowed pursuant to section 135.020 may qualify for the
 37 credit, and shall notify any qualified claimant of the claimant's potential
 38 eligibility, where the department determines such potential eligibility exists.

137.016. 1. As used in section 4(b) of article X of the Missouri
 2 Constitution, the following terms mean:

3 (1) "Residential property", all real property improved by a structure which
 4 is used or intended to be used for residential living by human occupants, vacant
 5 land in connection with an airport, land used as a golf course, and manufactured
 6 home parks, but residential property shall not include other similar facilities used
 7 primarily for transient housing. For the purposes of this section, "transient
 8 housing" means all rooms available for rent or lease for which the receipts from
 9 the rent or lease of such rooms are subject to state sales tax pursuant to section
 10 144.020.1(6), RSMo;

11 (2) "Agricultural and horticultural property", all real property used for
 12 agricultural purposes and devoted primarily to the raising and harvesting of
 13 crops; to the feeding, breeding and management of livestock which shall include
 14 breeding, **showing**, and boarding of horses; to dairying, or to any other
 15 combination thereof; and buildings and structures customarily associated with

16 farming, agricultural, and horticultural uses. Agricultural and horticultural
17 property shall also include land devoted to and qualifying for payments or other
18 compensation under a soil conservation or agricultural assistance program under
19 an agreement with an agency of the federal government. Agricultural and
20 horticultural property shall further include land and improvements, exclusive of
21 structures, on privately owned airports that qualify as reliever airports under the
22 Nation Plan of Integrated Airports System, to receive federal airport improvement
23 project funds through the Federal Aviation Administration. Real property
24 classified as forest croplands shall not be agricultural or horticultural property
25 so long as it is classified as forest croplands and shall be taxed in accordance with
26 the laws enacted to implement section 7 of article X of the Missouri Constitution;

27 (3) "Utility, industrial, commercial, railroad and other real property", all
28 real property used directly or indirectly, for any commercial, mining, industrial,
29 manufacturing, trade, professional, business, or similar purpose, including all
30 property centrally assessed by the state tax commission but shall not include
31 floating docks, portions of which are separately owned and the remainder of
32 which is designated for common ownership and in which no one person or
33 business entity owns more than five individual units. All other real property not
34 included in the property listed in subclasses (1) and (2) of section 4(b) of article
35 X of the Missouri Constitution, as such property is defined in this section, shall
36 be deemed to be included in the term "utility, industrial, commercial, railroad and
37 other real property".

38 2. Pursuant to article X of the state constitution, any taxing district may
39 adjust its operating levy to recoup any loss of property tax revenue, except
40 revenues from the surtax imposed pursuant to article X, section 6.2 of the
41 constitution, as the result of changing the classification of structures intended to
42 be used for residential living by human occupants which contain five or more
43 dwelling units if such adjustment of the levy does not exceed the highest tax rate
44 in effect subsequent to the 1980 tax year. For purposes of this section, loss in
45 revenue shall include the difference between the revenue that would have been
46 collected on such property under its classification prior to enactment of this
47 section and the amount to be collected under its classification under this
48 section. The county assessor of each county or city not within a county shall
49 provide information to each taxing district within its boundaries regarding the
50 difference in assessed valuation of such property as the result of such change in
51 classification.

52 3. All reclassification of property as the result of changing the
53 classification of structures intended to be used for residential living by human
54 occupants which contain five or more dwelling units shall apply to assessments
55 made after December 31, 1994.

56 4. Where real property is used or held for use for more than one purpose
57 and such uses result in different classifications, the county assessor shall allocate
58 to each classification the percentage of the true value in money of the property
59 devoted to each use; except that, where agricultural and horticultural property,
60 as defined in this section, also contains a dwelling unit or units, the farm
61 dwelling, appurtenant residential-related structures and up to five acres
62 immediately surrounding such farm dwelling shall be residential property, as
63 defined in this section.

64 5. All real property which is vacant, unused, or held for future use; which
65 is used for a private club, a not-for-profit or other nonexempt lodge, club,
66 business, trade, service organization, or similar entity; or for which a
67 determination as to its classification cannot be made under the definitions set out
68 in subsection 1 of this section, shall be classified according to its immediate most
69 suitable economic use, which use shall be determined after consideration of:

- 70 (1) Immediate prior use, if any, of such property;
- 71 (2) Location of such property;
- 72 (3) Zoning classification of such property; except that, such zoning
73 classification shall not be considered conclusive if, upon consideration of all
74 factors, it is determined that such zoning classification does not reflect the
75 immediate most suitable economic use of the property;
- 76 (4) Other legal restrictions on the use of such property;
- 77 (5) Availability of water, electricity, gas, sewers, street lighting, and other
78 public services for such property;
- 79 (6) Size of such property;
- 80 (7) Access of such property to public thoroughfares; and
- 81 (8) Any other factors relevant to a determination of the immediate most
82 suitable economic use of such property.

83 6. All lands classified as forest croplands shall not, for taxation purposes,
84 be classified as subclass (1), subclass (2), or subclass (3) real property, as such
85 classes are prescribed in section 4(b) of article X of the Missouri Constitution and
86 defined in this section, but shall be taxed in accordance with the laws enacted to
87 implement section 7 of article X of the Missouri Constitution.

137.055. 1. After the assessor's book of each county, except in [the] **any**
2 **city [of St. Louis] not within a county or any county with a charter form**
3 **of government**, shall be corrected and adjusted according to law, but not later
4 than September twentieth, of each year, the county governing body shall
5 ascertain the sum necessary to be raised for county purposes, and fix the rate of
6 taxes on the several subjects of taxation so as to raise the required sum, and the
7 same to be entered in the proper columns in the tax book. **Any city not within**
8 **a county and any county with a charter form of government shall set**
9 **the tax rate by October first of each year for each calendar year after**
10 **December 31, 2008.**

11 2. Prior to fixing the rate of taxes, as provided in this section, the county
12 governing body shall hold a public hearing on the proposed rate of taxes **at**
13 **which citizens shall be heard.** A notice stating the time and place for the
14 hearing shall be published in at least one newspaper qualified under the laws of
15 Missouri of general circulation in the county at least seven days prior to the date
16 of the hearing. The notice shall include the aggregate assessed valuation by
17 category of real, total personal and other tangible property in the county as
18 entered in the tax book for the fiscal year for which the tax is to be levied, the
19 aggregate assessed valuation by category of real, total personal and other tangible
20 property in the county for the preceding taxable year, the required sums to be
21 raised from the property tax for each purpose for which the county levies taxes
22 as approved in the budget adopted under chapter 50, RSMo, the proposed rate of
23 taxes which will produce substantially the same revenues as required by the
24 budget, and the increase in tax revenue realized due to an increase in assessed
25 value as a result of new construction and improvement, and the increase, both in
26 dollar value and percentage, in tax revenue as a result of reassessment if the
27 proposed tax rate is adopted. Failure of any taxpayer to appear at said hearing
28 shall not prevent the taxpayer from pursuit of any other legal remedy otherwise
29 available to the taxpayer. Nothing in this subsection absolves county governing
30 bodies of responsibilities under section 137.073 nor to adjust tax rates in event
31 changes in assessed valuation occur that would alter the tax rate calculations.

137.073. 1. As used in this section, the following terms mean:

2 (1) "General reassessment", changes in value, entered in the assessor's
3 books, of a substantial portion of the parcels of real property within a county
4 resulting wholly or partly from reappraisal of value or other actions of the
5 assessor or county equalization body or ordered by the state tax commission or

6 any court;

7 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax
8 rate for each purpose of taxation of property a taxing authority is authorized to
9 levy without a vote and any tax rate authorized by election, including bond
10 interest and sinking fund;

11 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to
12 comply with the provisions of this section or when a court has determined the tax
13 rate; except that, other provisions of law to the contrary notwithstanding, a school
14 district may levy the operating levy for school purposes required for the current
15 year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments
16 required pursuant to article X, section 22 of the Missouri Constitution, if such tax
17 rate does not exceed the highest tax rate in effect subsequent to the 1980 tax
18 year. This is the maximum tax rate that may be levied, unless a higher tax rate
19 ceiling is approved by voters of the political subdivision as provided in this
20 section;

21 (4) "Tax revenue", when referring to the previous year, means the actual
22 receipts from ad valorem levies on all classes of property, including state-assessed
23 property, in the immediately preceding fiscal year of the political subdivision,
24 plus an allowance for taxes billed but not collected in the fiscal year and plus an
25 additional allowance for the revenue which would have been collected from
26 property which was annexed by such political subdivision but which was not
27 previously used in determining tax revenue pursuant to this section. The term
28 "tax revenue" shall not include any receipts from ad valorem levies on any
29 property of a railroad corporation or a public utility, as these terms are defined
30 in section 386.020, RSMo, which were assessed by the assessor of a county or city
31 in the previous year but are assessed by the state tax commission in the current
32 year. All school districts and those counties levying sales taxes pursuant to
33 chapter 67, RSMo, shall include in the calculation of tax revenue an amount
34 equivalent to that by which they reduced property tax levies as a result of sales
35 tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess
36 home dock city or county fees as provided in subsection 4 of section 313.820,
37 RSMo, in the immediately preceding fiscal year but not including any amount
38 calculated to adjust for prior years. For purposes of political subdivisions which
39 were authorized to levy a tax in the prior year but which did not levy such tax or
40 levied a reduced rate, the term "tax revenue", as used in relation to the revision
41 of tax levies mandated by law, shall mean the revenues equal to the amount that

42 would have been available if the voluntary rate reduction had not been made.

43 2. Whenever changes in assessed valuation are entered in the assessor's
44 books for any personal property, in the aggregate, or for any subclass of real
45 property as such subclasses are established in section 4(b) of article X of the
46 Missouri Constitution and defined in section 137.016, the county clerk in all
47 counties and the assessor of St. Louis City shall notify each political subdivision
48 wholly or partially within the county or St. Louis City of the change in valuation
49 of each subclass of real property, individually, and personal property, in the
50 aggregate, exclusive of new construction and improvements. All political
51 subdivisions shall immediately revise the applicable rates of levy for each purpose
52 for each subclass of real property, individually, and personal property, in the
53 aggregate, for which taxes are levied to the extent necessary to produce from all
54 taxable property, exclusive of new construction and improvements, substantially
55 the same amount of tax revenue as was produced in the previous year for each
56 subclass of real property, individually, and personal property, in the aggregate,
57 except that the rate may not exceed [the greater of the rate in effect in the 1984
58 tax year or] the most recent voter-approved rate. Such tax revenue shall not
59 include any receipts from ad valorem levies on any real property which was
60 assessed by the assessor of a county or city in such previous year but is assessed
61 by the assessor of a county or city in the current year in a different subclass of
62 real property. Where the taxing authority is a school district for the purposes of
63 revising the applicable rates of levy for each subclass of real property, the tax
64 revenues from state-assessed railroad and utility property shall be apportioned
65 and attributed to each subclass of real property based on the percentage of the
66 total assessed valuation of the county that each subclass of real property
67 represents in the current taxable year. As provided in section 22 of article X of
68 the constitution, a political subdivision may also revise each levy to allow for
69 inflationary assessment growth occurring within the political subdivision. The
70 inflationary growth factor for any such subclass of real property or personal
71 property shall be limited to the actual assessment growth in such subclass or
72 class, exclusive of new construction and improvements, and exclusive of the
73 assessed value on any real property which was assessed by the assessor of a
74 county or city in the current year in a different subclass of real property, but not
75 to exceed the consumer price index or five percent, whichever is lower. Should
76 the tax revenue of a political subdivision from the various tax rates determined
77 in this subsection be different than the tax revenue that would have been

78 determined from a single tax rate as calculated pursuant to the method of
79 calculation in this subsection prior to January 1, 2003, then the political
80 subdivision shall revise the tax rates of those subclasses of real property,
81 individually, and/or personal property, in the aggregate, in which there is a tax
82 rate reduction, pursuant to the provisions of this subsection. Such revision shall
83 yield an amount equal to such difference and shall be apportioned among such
84 subclasses of real property, individually, and/or personal property, in the
85 aggregate, based on the relative assessed valuation of the class or subclasses of
86 property experiencing a tax rate reduction. Such revision in the tax rates of each
87 class or subclass shall be made by computing the percentage of current year
88 adjusted assessed valuation of each class or subclass with a tax rate reduction to
89 the total current year adjusted assessed valuation of the class or subclasses with
90 a tax rate reduction, multiplying the resulting percentages by the revenue
91 difference between the single rate calculation and the calculations pursuant to
92 this subsection and dividing by the respective adjusted current year assessed
93 valuation of each class or subclass to determine the adjustment to the rate to be
94 levied upon each class or subclass of property. The adjustment computed herein
95 shall be multiplied by one hundred, rounded to four decimals in the manner
96 provided in this subsection, and added to the initial rate computed for each class
97 or subclass of property. Notwithstanding any provision of this subsection to the
98 contrary, no revision to the rate of levy for personal property shall cause such
99 levy to increase over the levy for personal property from the prior year.

100 3. (1) Where the taxing authority is a school district, it shall be required
101 to revise the rates of levy to the extent necessary to produce from all taxable
102 property, including state-assessed railroad and utility property, which shall be
103 separately estimated in addition to other data required in complying with section
104 164.011, RSMo, substantially the amount of tax revenue permitted in this section.
105 In the year following tax rate reduction, the tax rate ceiling may be adjusted to
106 offset such district's reduction in the apportionment of state school moneys due
107 to its reduced tax rate. However, in the event any school district, in calculating
108 a tax rate ceiling pursuant to this section, requiring the estimating of effects of
109 state-assessed railroad and utility valuation or loss of state aid, discovers that the
110 estimates used result in receipt of excess revenues, which would have required
111 a lower rate if the actual information had been known, the school district shall
112 reduce the tax rate ceiling in the following year to compensate for the excess
113 receipts, and the recalculated rate shall become the tax rate ceiling for purposes

114 of this section.

115 (2) For any political subdivision which experiences a reduction in the
116 amount of assessed valuation relating to a prior year, due to decisions of the state
117 tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due
118 to clerical errors or corrections in the calculation or recordation of any assessed
119 valuation:

120 (a) Such political subdivision may revise the tax rate ceiling for each
121 purpose it levies taxes to compensate for the reduction in assessed value
122 occurring after the political subdivision calculated the tax rate ceiling for the
123 particular subclass of real property or for personal property, in the aggregate, in
124 [the] a prior year. Such revision by the political subdivision shall be made at the
125 time of the next calculation of the tax rate for the particular subclass of real
126 property or for personal property, in the aggregate, after the reduction in
127 assessed valuation has been determined and shall be calculated in a manner that
128 results in the revised tax rate ceiling being the same as it would have been had
129 the corrected or finalized assessment been available at the time of the prior
130 calculation;

131 (b) In addition, for up to three years following the determination of the
132 reduction in assessed valuation as a result of circumstances defined in this
133 subdivision, such political subdivision may levy a tax rate for each purpose it
134 levies taxes above the revised tax rate ceiling provided in paragraph (a) of this
135 subdivision to recoup any revenues it was entitled to receive [for the three-year
136 period preceding such determination] **had the corrected or finalized**
137 **assessment been available at the time of the prior calculation.**

138 4. (1) In order to implement the provisions of this section and section 22
139 of article X of the Constitution of Missouri, the term "improvements" shall apply
140 to both real and personal property. In order to determine the value of new
141 construction and improvements, each county assessor shall maintain a record of
142 real property valuations in such a manner as to identify each year the increase
143 in valuation for each political subdivision in the county as a result of new
144 construction and improvements. The value of new construction and
145 improvements shall include the additional assessed value of all improvements or
146 additions to real property which were begun after and were not part of the prior
147 year's assessment, except that the additional assessed value of all improvements
148 or additions to real property which had been totally or partially exempt from ad
149 valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to

150 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new
151 construction and improvements when the property becomes totally or partially
152 subject to assessment and payment of all ad valorem taxes. The aggregate
153 increase in valuation of personal property for the current year over that of the
154 previous year is the equivalent of the new construction and improvements factor
155 for personal property. Notwithstanding any opt-out implemented pursuant to
156 subsection 15 of section 137.115, the assessor shall certify the amount of new
157 construction and improvements and the amount of assessed value on any real
158 property which was assessed by the assessor of a county or city in such previous
159 year but is assessed by the assessor of a county or city in the current year in a
160 different subclass of real property separately for each of the three subclasses of
161 real property for each political subdivision to the county clerk in order that
162 political subdivisions shall have this information for the purpose of calculating
163 tax rates pursuant to this section and section 22, article X, Constitution of
164 Missouri. In addition, the state tax commission shall certify each year to each
165 county clerk the increase in the general price level as measured by the Consumer
166 Price Index for All Urban Consumers for the United States, or its successor
167 publications, as defined and officially reported by the United States Department
168 of Labor, or its successor agency. The state tax commission shall certify the
169 increase in such index on the latest twelve-month basis available on [June]
170 **February** first of each year over the immediately preceding prior twelve-month
171 period in order that political subdivisions shall have this information available
172 in setting their tax rates according to law and section 22 of article X of the
173 Constitution of Missouri. For purposes of implementing the provisions of this
174 section and section 22 of article X of the Missouri Constitution, the term
175 "property" means all taxable property, including state-assessed property.

176 (2) Each political subdivision required to revise rates of levy pursuant to
177 this section or section 22 of article X of the Constitution of Missouri shall
178 calculate each tax rate it is authorized to levy and, in establishing each tax rate,
179 shall consider each provision for tax rate revision provided in this section and
180 section 22 of article X of the Constitution of Missouri, separately and without
181 regard to annual tax rate reductions provided in section 67.505, RSMo, and
182 section 164.013, RSMo. Each political subdivision shall set each tax rate it is
183 authorized to levy using the calculation that produces the lowest tax rate ceiling.
184 It is further the intent of the general assembly, pursuant to the authority of
185 section 10(c) of article X of the Constitution of Missouri, that the provisions of

186 such section be applicable to tax rate revisions mandated pursuant to section 22
187 of article X of the Constitution of Missouri as to reestablishing tax rates as
188 revised in subsequent years, enforcement provisions, and other provisions not in
189 conflict with section 22 of article X of the Constitution of Missouri. Annual tax
190 rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo,
191 shall be applied to the tax rate as established pursuant to this section and section
192 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

193 5. (1) In all political subdivisions, the tax rate ceiling established
194 pursuant to this section shall not be increased unless approved by a vote of the
195 people. Approval of the higher tax rate shall be by at least a majority of votes
196 cast. When a proposed higher tax rate requires approval by more than a simple
197 majority pursuant to any provision of law or the constitution, the tax rate
198 increase must receive approval by at least the majority required.

199 (2) When voters approve an increase in the tax rate, the amount of the
200 increase shall be added to the tax rate ceiling as calculated pursuant to this
201 section to the extent the total rate does not exceed any maximum rate prescribed
202 by law. If a ballot question presents a stated tax rate for approval rather than
203 describing the amount of increase in the question, the stated tax rate approved
204 shall be **adjusted as provided in this section and, so adjusted, shall be**
205 **the current tax rate ceiling. The increased tax rate ceiling as approved shall be**
206 **adjusted such that when applied to the current total assessed valuation**
207 **of the political subdivision, excluding new construction and**
208 **improvements since the date of the election approving such increase,**
209 **the revenue derived from the adjusted tax rate ceiling is equal to the**
210 **sum of: the amount of revenue which would have been derived by**
211 **applying the voter approved increased tax rate ceiling to total assessed**
212 **valuation of the political subdivision, as most recently certified by the**
213 **city or county clerk on or before the date of the election in which such**
214 **increase is approved, increased by the percentage increase in the**
215 **consumer price index, as provided by law. Such adjusted tax rate**
216 **ceiling may be applied to the total assessed valuation of the political subdivision**
217 **at the setting of the next tax rate. If a ballot question presents a phased-in**
218 **tax rate increase, upon voter approval, each tax rate increase shall be**
219 **adjusted in the manner prescribed in this section to yield the sum of:**
220 **the amount of revenue that would be derived by applying such voter**
221 **approved increased rate to the total assessed valuation, as most**

222 **recently certified by the city or county clerk on or before the date of**
223 **the election in which such increase was approved, increased by the**
224 **percentage increase in the consumer price index, as provided by law,**
225 **from the date of the election to the time of such increase and, so**
226 **adjusted, shall be the current tax rate ceiling.**

227 (3) The governing body of any political subdivision may levy a tax rate
228 lower than its tax rate ceiling and may, **in a non-reassessment year,** increase
229 that lowered tax rate to a level not exceeding the tax rate ceiling without voter
230 approval **in the manner provided under subdivision (4) of this**
231 **subsection. Nothing in this section shall be construed as prohibiting a**
232 **political subdivision from voluntarily levying a tax rate lower than that**
233 **which is required under the provisions of this section or from seeking**
234 **voter approval of a reduction to such political subdivision's tax rate**
235 **ceiling.**

236 (4) **In a year of general reassessment, a governing body whose**
237 **tax rate is lower than its tax rate ceiling shall revise its tax rate**
238 **pursuant to the provisions of subsection 4 of this section as if its tax**
239 **rate was at the tax rate ceiling. In a year following general**
240 **reassessment, if such governing body intends to increase its tax rate,**
241 **the governing body shall conduct a public hearing, and in a public**
242 **meeting it shall adopt an ordinance, resolution, or policy statement**
243 **justifying its action prior to setting and certifying its tax rate. The**
244 **provisions of this subdivision shall not apply to any political**
245 **subdivision which levies a tax rate lower than its tax rate ceiling solely**
246 **due to a reduction required by law resulting from sales tax**
247 **collections. The provisions of this subdivision shall not apply to any**
248 **political subdivision which has received voter approval for an increase**
249 **to its tax rate ceiling subsequent to setting its most recent tax rate.**

250 6. (1) For the purposes of calculating state aid for public schools pursuant
251 to section 163.031, RSMo, each taxing authority which is a school district shall
252 determine its proposed tax rate as a blended rate of the classes or subclasses of
253 property. Such blended rate shall be calculated by first determining the total tax
254 revenue of the property within the jurisdiction of the taxing authority, which
255 amount shall be equal to the sum of the products of multiplying the assessed
256 valuation of each class and subclass of property by the corresponding tax rate for
257 such class or subclass, then dividing the total tax revenue by the total assessed

258 valuation of the same jurisdiction, and then multiplying the resulting quotient
259 by a factor of one hundred. Where the taxing authority is a school district, such
260 blended rate shall also be used by such school district for calculating revenue
261 from state-assessed railroad and utility property as defined in chapter 151, RSMo,
262 and for apportioning the tax rate by purpose.

263 (2) Each taxing authority proposing to levy a tax rate in any year shall
264 notify the clerk of the county commission in the county or counties where the tax
265 rate applies of its tax rate ceiling and its proposed tax rate. Each taxing
266 authority shall express its proposed tax rate in a fraction equal to the nearest
267 one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then
268 one/one-hundredth of a cent. If a taxing authority shall round to
269 one/one-hundredth of a cent, it shall round up a fraction greater than or equal to
270 five/one-thousandth of one cent to the next higher one/one-hundredth of a cent;
271 if a taxing authority shall round to one-tenth of a cent, it shall round up a
272 fraction greater than or equal to five/one-hundredths of a cent to the next higher
273 one-tenth of a cent. Any taxing authority levying a property tax rate shall
274 provide data, in such form as shall be prescribed by the state auditor by rule,
275 substantiating such tax rate complies with Missouri law. All forms for the
276 calculation of rates pursuant to this section shall be promulgated as a rule and
277 shall not be incorporated by reference. The state auditor shall promulgate rules
278 for any and all forms for the calculation of rates pursuant to this section which
279 do not currently exist in rule form or that have been incorporated by reference.
280 In addition, each taxing authority proposing to levy a tax rate for debt service
281 shall provide data, in such form as shall be prescribed by the state auditor by
282 rule, substantiating the tax rate for debt service complies with Missouri law. A
283 tax rate proposed for annual debt service requirements will be prima facie valid
284 if, after making the payment for which the tax was levied, bonds remain
285 outstanding and the debt fund reserves do not exceed the following year's
286 payments. The county clerk shall keep on file and available for public inspection
287 all such information for a period of three years. The clerk shall, within three
288 days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling
289 and proposed tax rate and any substantiating data to the state auditor. The state
290 auditor shall, within fifteen days of the date of receipt, examine such information
291 and return to the county clerk his or her findings as to compliance of the tax rate
292 ceiling with this section and as to compliance of any proposed tax rate for debt
293 service with Missouri law. If the state auditor believes that a taxing authority's

294 proposed tax rate does not comply with Missouri law, then the state auditor's
295 findings shall include a recalculated tax rate, and the state auditor may request
296 a taxing authority to submit documentation supporting such taxing authority's
297 proposed tax rate. The county clerk shall immediately forward a copy of the
298 auditor's findings to the taxing authority and shall file a copy of the findings with
299 the information received from the taxing authority. The taxing authority shall
300 have fifteen days from the date of receipt from the county clerk of the state
301 auditor's findings and any request for supporting documentation to accept or
302 reject in writing the rate change certified by the state auditor and to submit all
303 requested information to the state auditor. A copy of the taxing authority's
304 acceptance or rejection and any information submitted to the state auditor shall
305 also be mailed to the county clerk. If a taxing authority rejects a rate change
306 certified by the state auditor and the state auditor does not receive supporting
307 information which justifies the taxing authority's original or any subsequent
308 proposed tax rate, then the state auditor shall refer the perceived violations of
309 such taxing authority to the attorney general's office and the attorney general is
310 authorized to obtain injunctive relief to prevent the taxing authority from levying
311 a violative tax rate.

312 7. No tax rate shall be extended on the tax rolls by the county clerk unless
313 the political subdivision has complied with the foregoing provisions of this
314 section.

315 8. Whenever a taxpayer has cause to believe that a taxing authority has
316 not complied with the provisions of this section, the taxpayer may make a formal
317 complaint with the prosecuting attorney of the county. Where the prosecuting
318 attorney fails to bring an action within ten days of the filing of the complaint, the
319 taxpayer may bring a civil action pursuant to this section and institute an action
320 as representative of a class of all taxpayers within a taxing authority if the class
321 is so numerous that joinder of all members is impracticable, if there are questions
322 of law or fact common to the class, if the claims or defenses of the representative
323 parties are typical of the claims or defenses of the class, and if the representative
324 parties will fairly and adequately protect the interests of the class. In any class
325 action maintained pursuant to this section, the court may direct to the members
326 of the class a notice to be published at least once each week for four consecutive
327 weeks in a newspaper of general circulation published in the county where the
328 civil action is commenced and in other counties within the jurisdiction of a taxing
329 authority. The notice shall advise each member that the court will exclude him

330 or her from the class if he or she so requests by a specified date, that the
331 judgment, whether favorable or not, will include all members who do not request
332 exclusion, and that any member who does not request exclusion may, if he or she
333 desires, enter an appearance. In any class action brought pursuant to this
334 section, the court, in addition to the relief requested, shall assess against the
335 taxing authority found to be in violation of this section the reasonable costs of
336 bringing the action, including reasonable attorney's fees, provided no attorney's
337 fees shall be awarded any attorney or association of attorneys who receive public
338 funds from any source for their services. Any action brought pursuant to this
339 section shall be set for hearing as soon as practicable after the cause is at issue.

340 9. If in any action, including a class action, the court issues an order
341 requiring a taxing authority to revise the tax rates as provided in this section or
342 enjoins a taxing authority from the collection of a tax because of its failure to
343 revise the rate of levy as provided in this section, any taxpayer paying his or her
344 taxes when an improper rate is applied has erroneously paid his or her taxes in
345 part, whether or not the taxes are paid under protest as provided in section
346 139.031, RSMo, **or otherwise contested**. The part of the taxes paid
347 erroneously is the difference in the amount produced by the original levy and the
348 amount produced by the revised levy. The township or county collector of taxes
349 or the collector of taxes in any city shall refund the amount of the tax erroneously
350 paid. The taxing authority refusing to revise the rate of levy as provided in this
351 section shall make available to the collector all funds necessary to make refunds
352 pursuant to this subsection. No taxpayer shall receive any interest on any money
353 erroneously paid by him or her pursuant to this subsection. Effective in the 1994
354 tax year, nothing in this section shall be construed to require a taxing authority
355 to refund any tax erroneously paid prior to or during the third tax year preceding
356 the current tax year.

357 10. [A taxing authority, including but not limited to a township, county
358 collector, or collector of taxes, responsible for determining and collecting the
359 amount of residential real property tax levied in its jurisdiction, shall report such
360 amount of tax collected by December thirty-first of each year such property is
361 assessed to the state tax commission. The state tax commission shall compile the
362 tax data by county or taxing jurisdiction and submit a report to the general
363 assembly no later than January thirty-first of the following year.

364 11.] Any rule or portion of a rule, as that term is defined in section
365 536.010, RSMo, that is created under the authority delegated in this section shall

366 become effective only if it complies with and is subject to all of the provisions of
367 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
368 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
369 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
370 date, or to disapprove and annul a rule are subsequently held unconstitutional,
371 then the grant of rulemaking authority and any rule proposed or adopted after
372 August 28, 2004, shall be invalid and void.

137.082. 1. Notwithstanding the provisions of sections 137.075 and
2 137.080 to the contrary, a building or other structure classified as residential
3 property pursuant to section 137.016 newly constructed and occupied on any
4 parcel of real property shall be assessed and taxed on such assessed valuation as
5 of the first day of the month following the date of occupancy for the proportionate
6 part of the remaining year at the tax rates established for that year, in all taxing
7 jurisdictions located in the county adopting this section as provided in subsection
8 8 of this section. Newly constructed residential property which has never been
9 occupied shall not be assessed as improved real property until such occupancy or
10 the first day of January of the second year following the year in which
11 construction of the improvements was completed.

12 2. The assessor may consider a property residentially occupied upon
13 personal verification or when any two of the following conditions have been met:

14 (1) An occupancy permit has been issued for the property;

15 (2) A deed transferring ownership from one party to another has been
16 filed with the recorder of deeds' office subsequent to the date of the first
17 permanent utility service;

18 (3) A utility company providing service in the county has verified a
19 transfer of service for property from one party to another;

20 (4) The person or persons occupying the newly constructed property has
21 registered a change of address with any local, state or federal governmental office
22 or agency.

23 3. In implementing the provisions of this section, the assessor may use
24 occupancy permits, building permits, warranty deeds, utility connection
25 documents, including telephone connections, or other official documents as may
26 be necessary to discover the existence of newly constructed properties. No utility
27 company shall refuse to provide verification monthly to the assessor of a utility
28 connection to a newly occupied single family building or structure.

29 4. In the event that the assessment under subsections 1 and 2 of this

30 section is not completed until after the deadline for filing appeals in a given tax
31 year, the owner of the newly constructed property who is aggrieved by the
32 assessment of the property may appeal this assessment the following year to the
33 county board of equalization in accordance with chapter 138, RSMo, and may pay
34 any taxes under protest in accordance with section 139.031, RSMo; **provided**
35 **however, that such payment under protest shall not be required as a**
36 **condition of appealing to the county board of equalization.** The collector
37 shall impound such protested taxes and shall not disburse such taxes until
38 resolution of the appeal.

39 5. The increase in assessed valuation resulting from the implementation
40 of the provisions of this section shall be considered new construction and
41 improvements under the provisions of this chapter.

42 6. In counties which adopt the provisions of subsections 1 to 7 of this
43 section, an amount not to exceed ten percent of all ad valorem property tax
44 collections on newly constructed and occupied residential property allocable to
45 each taxing authority within counties of the first classification having a
46 population of nine hundred thousand or more, one-tenth of one percent of all ad
47 valorem property tax collections allocable to each taxing authority within all
48 other counties of the first classification and one-fifth of one percent of all ad
49 valorem property tax collections allocable to each taxing authority within counties
50 of the second, third and fourth classifications and any county of the first
51 classification having a population of at least eighty-two thousand inhabitants, but
52 less than eighty-two thousand one hundred inhabitants, in addition to the
53 amount prescribed by section 137.720 shall be deposited into the assessment fund
54 of the county for collection costs.

55 7. For purposes of figuring the tax due on such newly constructed
56 residential property, the assessor or the board of equalization shall place the full
57 amount of the assessed valuation on the tax book upon the first day of the month
58 following occupancy. Such assessed valuation shall be taxed for each month of
59 the year following such date at its new assessed valuation, and for each month
60 of the year preceding such date at its previous valuation. The percentage derived
61 from dividing the number of months at which the property is taxed at its new
62 valuation by twelve shall be applied to the total assessed valuation of the new
63 construction and improvements, and such product shall be included in the next
64 year's base for the purposes of figuring the next year's tax levy rollback. The
65 untaxed percentage shall be considered as new construction and improvements

66 in the following year and shall be exempt from the rollback provisions.

67 8. Subsections 1 to 7 of this section shall be effective in those counties
68 including any city not within a county in which the governing body of such county
69 elects to adopt a proposal to implement the provisions of subsections 1 to 7 of this
70 section. Such subsections shall become effective in such county on the first day
71 of January of the year following such election.

72 9. In any county which adopts the provisions of subsections 1 to 7 of this
73 section prior to the first day of June in any year pursuant to subsection 8 of this
74 section, the assessor of such county shall, upon application of the property owner,
75 remove on a pro rata basis from the tax book for the current year any residential
76 real property improvements destroyed by a natural disaster if such property is
77 unoccupied and uninhabitable due to such destruction. On or after the first day
78 of ~~[June]~~ **July**, the board of equalization shall perform such duties. Any person
79 claiming such destroyed property shall provide a list of such destroyed property
80 to the county assessor. The assessor shall have available a supply of appropriate
81 forms on which the claim shall be made. The assessor may verify all such
82 destroyed property listed to ensure that the person made a correct
83 statement. Any person who completes such a list and, with intent to defraud,
84 includes property on the list that was not destroyed by a natural disaster shall,
85 in addition to any other penalties provided by law, be assessed double the value
86 of any property fraudulently listed. The list shall be filed by the assessor, after
87 he has provided a copy of the list to the county collector and the board of
88 equalization, in the office of the county clerk who, after entering the filing
89 thereof, shall preserve and safely keep them. If the assessor, subsequent to such
90 destruction, considers such property occupied as provided in subsection 2 of this
91 section, the assessor shall consider such property new construction and
92 improvements and shall assess such property accordingly as provided in
93 subsection 1 of this section. For the purposes of this section, the term "natural
94 disaster" means any disaster due to natural causes such as tornado, fire, flood,
95 or earthquake.

96 10. Any political subdivision may recover the loss of revenue caused by
97 subsection 9 of this section by adjusting the rate of taxation, to the extent
98 previously authorized by the voters of such political subdivision, for the tax year
99 immediately following the year of such destruction in an amount not to exceed the
100 loss of revenue caused by this section.

137.092. 1. As used in this section, the following terms mean:

2 (1) "Personal property", any house trailer, manufactured home, [boat,
3 vessel, floating home, floating structure,] airplane, or aircraft;

4 (2) "Rental or leasing facility", any manufactured home park,
5 manufactured home storage facility, [marina or comparable facility providing
6 dockage or storage space,] or any hangar or similar aircraft storage facility.

7 2. For all calendar years beginning on or after January 1, 2008, every
8 owner of a rental or leasing facility shall, by January thirtieth of each year,
9 furnish the assessor of the county in which the rental or leasing facility is located
10 a list of the [personal property] **lessees** located at the rental or leasing facility
11 on January first of each year. The list shall include:

12 (1) The name of the [owner of the personal property] **lessee**;

13 (2) The [owner's] **lessee's** address and county of residency[, if known;

14 (3) A description of the personal property located at the facility if the
15 owner of the rental or leasing facility knows of or has been made aware of the
16 nature of such personal property.

17 3. If the owner of a rental or leasing facility fails to submit the list by
18 January thirtieth of each year, or fails to include all the information required by
19 this section on the list, the valuation of the personal property that is not listed
20 as required by this section and that is located at the rental or leasing facility
21 shall be assessed to the owner of the rental or leasing facility.

22 4. The assessor of the county in which the rental or leasing facility is
23 located shall also collect a penalty as additional tax on the assessed valuation of
24 such personal property that is not listed as required by this section. The penalty
25 shall be collected as follows:

26	Assessed valuation	Penalty
27	\$0 to \$1,000	\$10.00
28	\$1,001 to \$2,000	\$20.00
29	\$2,001 to \$3,000	\$30.00
30	\$3,001 to \$4,000	\$40.00
31	\$4,001 to \$5,000	\$50.00
32	\$5,001 to \$6,000	\$60.00
33	\$6,001 to \$7,000	\$70.00
34	\$7,001 to \$8,000	\$80.00
35	\$8,001 to \$9,000	\$90.00
36	\$9,001 and above	\$100.00

37 5. The funds derived from the penalty collected under this section shall

38 be disbursed proportionately to any taxing entity authorized to levy a tax on such
39 personal property. No rental or leasing facility owner penalized under this
40 section shall be subject to any penalty authorized in section 137.280 or 137.345
41 for the same personal property in the same tax year].

137.106. 1. This section may be known and may be cited as "The Missouri
2 Homestead Preservation Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "Department", the department of revenue;

5 (2) "Director", the director of revenue;

6 (3) "Disabled", as such term is defined in section 135.010, RSMo;

7 (4) "Eligible owner", any individual owner of property who is sixty-five
8 years old or older as of January first of the tax year in which the individual is
9 claiming the credit or who is disabled, and who had an income of equal to or less
10 than the maximum upper limit in the year prior to completing an application
11 pursuant to this section; or

12 (a) In the case of a married couple owning property either jointly or as
13 tenants by the entirety, or where only one spouse owns the property, such couple
14 shall be considered an eligible taxpayer if both spouses have reached the age of
15 sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years
16 old and the other spouse is at least sixty years old, and the combined income of
17 the couple in the year prior to completing an application pursuant to this section
18 did not exceed the maximum upper limit; or

19 (b) In the case of joint ownership by unmarried persons or ownership by
20 tenancy in common by two or more unmarried persons, such owners shall be
21 considered an eligible owner if each person with an ownership interest
22 individually satisfies the eligibility requirements for an individual eligible owner
23 under this section and the combined income of all individuals with an interest in
24 the property is equal to or less than the maximum upper limit in the year prior
25 to completing an application under this section. If any individual with an
26 ownership interest in the property fails to satisfy the eligibility requirements of
27 an individual eligible owner or if the combined income of all individuals with
28 interest in the property exceeds the maximum upper limit, then all individuals
29 with an ownership interest in such property shall be deemed ineligible owners
30 regardless of such other individual's ability to individually meet the eligibility
31 requirements; or

32 (c) In the case of property held in trust, the eligible owner and recipient

33 of the tax credit shall be the trust itself provided the previous owner of the
34 homestead or the previous owner's spouse: is the settlor of the trust with respect
35 to the homestead; currently resides in such homestead; and but for the transfer
36 of such property would have satisfied the age, ownership, and maximum upper
37 limit requirements for income as defined in subdivisions (7) and (8) of this
38 subsection;

39 No individual shall be an eligible owner if the individual has not paid their
40 property tax liability, if any, in full by the payment due date in any of the three
41 prior tax years, except that a late payment of a property tax liability in any prior
42 year shall not disqualify a potential eligible owner if such owner paid in full the
43 tax liability and any and all penalties, additions and interest that arose as a
44 result of such late payment; no individual shall be an eligible owner if such
45 person filed a valid claim for the senior citizens property tax relief credit
46 pursuant to sections 135.010 to 135.035, RSMo;

47 (5) "Homestead", as such term is defined pursuant to section 135.010,
48 RSMo, except as limited by provisions of this section to the contrary. No property
49 shall be considered a homestead if such property was improved since the most
50 recent annual assessment by more than five percent of the prior year appraised
51 value, except where an eligible owner of the property has made such
52 improvements to accommodate a disabled person;

53 (6) "Homestead exemption limit", a percentage increase, rounded to the
54 nearest hundredth of a percent, which shall be equal to the percentage increase
55 to tax liability, not including improvements, of a homestead from one tax year to
56 the next that exceeds a certain percentage set pursuant to subsection 10 of this
57 section. For applications filed in 2005 or 2006, the homestead exemption limit
58 shall be based on the increase to tax liability from 2004 to 2005. For applications
59 filed between April 1, 2005, and September 30, 2006, an eligible owner, who
60 otherwise satisfied the requirements of this section, shall not apply for the
61 homestead exemption credit more than once during such period. For applications
62 filed after 2006, the homestead exemption limit shall be based on the increase to
63 tax liability from two years prior to application to the year immediately prior to
64 application. **For applications filed between December 31, 2008, and**
65 **December 31, 2011, the homestead exemption limit shall be based on the**
66 **increase in tax liability from the base year to the year prior to the**
67 **application year. For applications filed on or after January 1, 2012, the**
68 **homestead exemption limit shall be based on the increase to tax**

69 **liability from two years prior to application to the year immediately**
70 **prior to application. For purposes of this subdivision, the term "base**
71 **year" means the year prior to the first year in which the eligible**
72 **owner's application was approved, or 2006, whichever is later;**

73 (7) "Income", federal adjusted gross income, and in the case of ownership
74 of the homestead by trust, the income of the settlor applicant shall be imputed
75 to the income of the trust for purposes of determining eligibility with regards to
76 the maximum upper limit;

77 (8) "Maximum upper limit", in the calendar year 2005, the income sum of
78 seventy thousand dollars; in each successive calendar year this amount shall be
79 raised by the incremental increase in the general price level, as defined pursuant
80 to article X, section 17 of the Missouri Constitution.

81 3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in
82 the prior tax year, the property tax liability on any parcel of subclass (1) real
83 property increased by more than the homestead exemption limit, without regard
84 for any prior credit received due to the provisions of this section, then any eligible
85 owner of the property shall receive a homestead exemption credit to be applied
86 in the current tax year property tax liability to offset the prior year increase to
87 tax liability that exceeds the homestead exemption limit, except as eligibility for
88 the credit is limited by the provisions of this section. The amount of the credit
89 shall be listed separately on each taxpayer's tax bill for the current tax year, or
90 on a document enclosed with the taxpayer's bill. The homestead exemption credit
91 shall not affect the process of setting the tax rate as required pursuant to article
92 X, section 22 of the Constitution of Missouri and section 137.073 in any prior,
93 current, or subsequent tax year.

94 4. If application is made in 2005, any potential eligible owner may apply
95 for the homestead exemption credit by completing an application through their
96 local assessor's office. Applications may be completed between April first and
97 September thirtieth of any tax year in order for the taxpayer to be eligible for the
98 homestead exemption credit in the tax year next following the calendar year in
99 which the homestead exemption credit application was completed. The
100 application shall be on forms provided to the assessor's office by the
101 department. Forms also shall be made available on the department's Internet
102 site and at all permanent branch offices and all full-time, temporary, or fee offices
103 maintained by the department of revenue. The applicant shall attest under
104 penalty of perjury:

105 (1) To the applicant's age;
106 (2) That the applicant's prior year income was less than the maximum
107 upper limit;

108 (3) To the address of the homestead property; and

109 (4) That any improvements made to the homestead, not made to
110 accommodate a disabled person, did not total more than five percent of the prior
111 year appraised value. The applicant shall also include with the application copies
112 of receipts indicating payment of property tax by the applicant for the homestead
113 property for the two prior tax years.

114 5. If application is made in 2005, the assessor, upon request for an
115 application, shall:

116 (1) Certify the parcel number and owner of record as of January first of
117 the homestead, including verification of the acreage classified as residential on
118 the assessor's property record card;

119 (2) Obtain appropriate prior tax year levy codes for each homestead from
120 the county clerks for inclusion on the form;

121 (3) Record on the application the assessed valuation of the homestead for
122 the current tax year, and any new construction or improvements for the current
123 tax year; and

124 (4) Sign the application, certifying the accuracy of the assessor's entries.

125 6. If application is made after 2005, any potential eligible owner may
126 apply for the homestead exemption credit by completing an
127 application. Applications may be completed between April first and October
128 fifteenth of any tax year in order for the taxpayer to be eligible for the homestead
129 exemption credit in the tax year next following the calendar year in which the
130 homestead exemption credit application was completed. The application shall be
131 on forms provided by the department. Forms also shall be made available on the
132 department's Internet site and at all permanent branch offices and all full-time,
133 temporary, or fee offices maintained by the department of revenue. The applicant
134 shall attest under penalty of perjury:

135 (1) To the applicant's age;

136 (2) That the applicant's prior year income was less than the maximum
137 upper limit;

138 (3) To the address of the homestead property;

139 (4) That any improvements made to the homestead, not made to
140 accommodate a disabled person, did not total more than five percent of the prior

141 year appraised value; and

142 (5) The applicant shall also include with the application copies of receipts
143 indicating payment of property tax by the applicant for the homestead property
144 for the three prior tax years.

145 7. Each applicant shall send the application to the department by
146 **[September thirtieth] October fifteenth** of each year for the taxpayer to be
147 eligible for the homestead exemption credit in the tax year next following the
148 calendar year in which the application was completed.

149 8. If application is made in 2005, upon receipt of the applications, the
150 department shall calculate the tax liability, adjusted to exclude new construction
151 or improvements verify compliance with the maximum income limit, verify the
152 age of the applicants, and make adjustments to these numbers as necessary on
153 the applications. The department also shall disallow any application where the
154 applicant has also filed a valid application for the senior citizens property tax
155 credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax
156 liability, age, and income are verified, the director shall determine eligibility for
157 the credit, and provide a list of all verified eligible owners to the county collectors
158 or county clerks in counties with a township form of government by December
159 fifteenth of each year. By January fifteenth, the county collectors or county
160 clerks in counties with a township form of government shall provide a list to the
161 department of any verified eligible owners who failed to pay the property tax due
162 for the tax year that ended immediately prior. Such eligible owners shall be
163 disqualified from receiving the credit in the current tax year.

164 9. If application is made after 2005, upon receipt of the applications, the
165 department shall calculate the tax liability, verify compliance with the maximum
166 income limit, verify the age of the applicants, and make adjustments to these
167 numbers as necessary on the applications. The department also shall disallow
168 any application where the applicant also has filed a valid application for the
169 senior citizens property tax credit under sections 135.010 to 135.035,
170 RSMo. Once adjusted tax liability, age, and income are verified, the director shall
171 determine eligibility for the credit and provide a list of all verified eligible owners
172 to the county assessors or county clerks in counties with a township form of
173 government by December fifteenth of each year. By January fifteenth, the county
174 assessors shall provide a list to the department of any verified eligible owners
175 who made improvements not for accommodation of a disability to the homestead
176 and the dollar amount of the assessed value of such improvements. If the dollar

177 amount of the assessed value of such improvements totaled more than five
178 percent of the prior year appraised value, such eligible owners shall be
179 disqualified from receiving the credit in the current tax year.

180 10. The director shall calculate the level of appropriation necessary to set
181 the homestead exemption limit at five percent when based on a year of general
182 reassessment or at two and one-half percent when based on a year without
183 general reassessment for the homesteads of all verified eligible owners, and
184 provide such calculation to the speaker of the house of representatives, the
185 president pro tempore of the senate, and the director of the office of budget and
186 planning in the office of administration by January thirty-first of each year.

187 11. For applications made in 2005, the general assembly shall make an
188 appropriation for the funding of the homestead exemption credit that is signed
189 by the governor, then the director shall, by July thirty-first of such year, set the
190 homestead exemption limit. The limit shall be a single, statewide percentage
191 increase to tax liability, rounded to the nearest hundredth of a percent, which, if
192 applied to all homesteads of verified eligible owners who applied for the
193 homestead exemption credit in the immediately prior tax year, would cause all
194 but one-quarter of one percent of the amount of the appropriation, minus any
195 withholding by the governor, to be distributed during that fiscal year. The
196 remaining one-quarter of one percent shall be distributed to the county
197 assessment funds of each county on a proportional basis, based on the number of
198 eligible owners in each county; such one-quarter percent distribution shall be
199 delineated in any such appropriation as a separate line item in the total
200 appropriation. If no appropriation is made by the general assembly during any
201 tax year or no funds are actually distributed pursuant to any appropriation
202 therefor, then no homestead preservation credit shall apply in such year.

203 12. After setting the homestead exemption limit for applications made in
204 2005, the director shall apply the limit to the homestead of each verified eligible
205 owner and calculate the credit to be associated with each verified eligible owner's
206 homestead, if any. The director shall send a list of those eligible owners who are
207 to receive the homestead exemption credit, including the amount of each credit,
208 the certified parcel number of the homestead, and the address of the homestead
209 property, to the county collectors or county clerks in counties with a township
210 form of government by August thirty-first. Pursuant to such calculation, the
211 director shall instruct the state treasurer as to how to distribute the
212 appropriation and assessment fund allocation to the county collector's funds of

213 each county or the treasurer ex officio collector's fund in counties with a township
214 form of government where recipients of the homestead exemption credit are
215 located, so as to exactly offset each homestead exemption credit being issued, plus
216 the one-quarter of one percent distribution for the county assessment funds. As
217 a result of the appropriation, in no case shall a political subdivision receive more
218 money than it would have received absent the provisions of this section plus the
219 one-quarter of one percent distribution for the county assessment funds. Funds,
220 at the direction of the county collector or the treasurer ex officio collector in
221 counties with a township form of government, shall be deposited in the county
222 collector's fund of a county or the treasurer ex officio collector's fund or may be
223 sent by mail to the collector of a county, or the treasurer ex officio collector in
224 counties with a township form of government, not later than October first in any
225 year a homestead exemption credit is appropriated as a result of this section and
226 shall be distributed as moneys in such funds are commonly distributed from other
227 property tax revenues by the collector of the county or the treasurer ex officio
228 collector of the county in counties with a township form of government, so as to
229 exactly offset each homestead exemption credit being issued. In counties with a
230 township form of government, the county clerk shall provide the treasurer ex
231 officio collector a summary of the homestead exemption credit for each township
232 for the purpose of distributing the total homestead exemption credit to each
233 township collector in a particular county.

234 13. If, in any given year after 2005, the general assembly shall make an
235 appropriation for the funding of the homestead exemption credit that is signed
236 by the governor, then the director shall[, by July thirty-first of such year, set the
237 homestead exemption limit. The limit shall be a single, statewide percentage
238 increase to tax liability, rounded to the nearest hundredth of a percent, which, if
239 applied to all homesteads of verified eligible owners who applied for the
240 homestead exemption credit in the immediately prior tax year, would cause all
241 of the amount of the appropriation, minus any withholding by the governor, to be
242 distributed during that fiscal year] **determine the apportionment**
243 **percentage by equally apportioning the appropriation among all**
244 **eligible applicants on a percentage basis.** If no appropriation is made by
245 the general assembly during any tax year or no funds are actually distributed
246 pursuant to any appropriation therefor, then no homestead preservation credit
247 shall apply in such year.

248 14. After [setting the homestead exemption limit for applications made

249 after 2005, the director shall apply the limit to the homestead of each verified
250 eligible owner and] **determining the apportionment percentage, the**
251 **director shall** calculate the credit to be associated with each verified eligible
252 owner's homestead, if any. The director shall send a list of those eligible owners
253 who are to receive the homestead exemption credit, including the amount of each
254 credit, the certified parcel number of the homestead, and the address of the
255 homestead property, to the county collectors or county clerks in counties with a
256 township form of government by August thirty-first. Pursuant to such
257 calculation, the director shall instruct the state treasurer as to how to distribute
258 the appropriation to the county collector's fund of each county where recipients
259 of the homestead exemption credit are located, so as to exactly offset each
260 homestead exemption credit being issued. As a result of the appropriation, in no
261 case shall a political subdivision receive more money than it would have received
262 absent the provisions of this section. Funds, at the direction of the collector of
263 the county or treasurer ex officio collector in counties with a township form of
264 government, shall be deposited in the county collector's fund of a county or may
265 be sent by mail to the collector of a county, or treasurer ex officio collector in
266 counties with a township form of government, not later than October first in any
267 year a homestead exemption credit is appropriated as a result of this section and
268 shall be distributed as moneys in such funds are commonly distributed from other
269 property tax revenues by the collector of the county or the treasurer ex officio
270 collector of the county in counties with a township form of government, so as to
271 exactly offset each homestead exemption credit being issued.

272 15. The department shall promulgate rules for implementation of this
273 section. Any rule or portion of a rule, as that term is defined in section 536.010,
274 RSMo, that is created under the authority delegated in this section shall become
275 effective only if it complies with and is subject to all of the provisions of chapter
276 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
277 536, RSMo, are nonseverable and if any of the powers vested with the general
278 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date,
279 or to disapprove and annul a rule are subsequently held unconstitutional, then
280 the grant of rulemaking authority and any rule proposed or adopted after August
281 28, 2004, shall be invalid and void. Any rule promulgated by the department
282 shall in no way impact, affect, interrupt, or interfere with the performance of the
283 required statutory duties of any county elected official, more particularly
284 including the county collector when performing such duties as deemed necessary

285 for the distribution of any homestead appropriation and the distribution of all
286 other real and personal property taxes.

287 16. In the event that an eligible owner dies or transfers ownership of the
288 property after the homestead exemption limit has been set in any given year, but
289 prior to January first of the year in which the credit would otherwise be applied,
290 the credit shall be void and any corresponding moneys, pursuant to subsection 12
291 of this section, shall lapse to the state to be credited to the general revenue fund.
292 In the event the collector of the county or the treasurer ex officio collector of the
293 county in counties with a township form of government determines prior to
294 issuing the credit that the individual is not an eligible owner because the
295 individual did not pay the prior three years' property tax liability in full, the
296 credit shall be void and any corresponding moneys, under subsection 11 of this
297 section, shall lapse to the state to be credited to the general revenue fund.

298 17. This section shall apply to all tax years beginning on or after January
299 1, 2005. This subsection shall become effective June 28, 2004.

300 18. In accordance with the provisions of sections 23.250 to 23.298, RSMo,
301 and unless otherwise authorized pursuant to section 23.253, RSMo:

302 (1) Any new program authorized under the provisions of this section shall
303 automatically sunset six years after the effective date of this section; and

304 (2) This section shall terminate on September first of the year following
305 the year in which any new program authorized under this section is sunset, and
306 the revisor of statutes shall designate such sections and this section in a revision
307 bill for repeal.

137.115. 1. All other laws to the contrary notwithstanding, the assessor
2 or the assessor's deputies in all counties of this state including the city of St.
3 Louis shall annually make a list of all real and tangible personal property taxable
4 in the assessor's city, county, town or district. Except as otherwise provided in
5 subsection 3 of this section and section 137.078, the assessor shall annually
6 assess all personal property at thirty-three and one-third percent of its true value
7 in money as of January first of each calendar year. The assessor shall annually
8 assess all real property, including any new construction and improvements to real
9 property, and [possessor] **possessory** interests in real property at the percent
10 of its true value in money set in subsection 5 of this section. **The true value in**
11 **money of any possessory interest in real property in subclass (3), where**
12 **such real property is on or lies within the ultimate airport boundary as**
13 **shown by a federal airport layout plan, as defined by 14 CFR 151.5, of**

14 a commercial airport having a FAR Part 139 certification and owned by
15 a political subdivision, shall be the otherwise applicable true value in
16 money of any such possessory interest in real property, less the total
17 dollar amount of costs paid by a party, other than the political
18 subdivision, towards any new construction or improvements on such
19 real property completed after January 1, 2008, and which are included
20 in the above-mentioned possessory interest, regardless of the year in
21 which such costs were incurred or whether such costs were considered
22 in any prior year. The assessor shall annually assess all real property in the
23 following manner: new assessed values shall be determined as of January first
24 of each odd-numbered year and shall be entered in the assessor's books; those
25 same assessed values shall apply in the following even-numbered year, except for
26 new construction and property improvements which shall be valued as though
27 they had been completed as of January first of the preceding odd-numbered
28 year. The assessor may call at the office, place of doing business, or residence of
29 each person required by this chapter to list property, and require the person to
30 make a correct statement of all taxable tangible personal property owned by the
31 person or under his or her care, charge or management, taxable in the county. On
32 or before January first of each even-numbered year, the assessor shall prepare
33 and submit a two-year assessment maintenance plan to the county governing
34 body and the state tax commission for their respective approval or
35 modification. The county governing body shall approve and forward such plan or
36 its alternative to the plan to the state tax commission by February first. If the
37 county governing body fails to forward the plan or its alternative to the plan to
38 the state tax commission by February first, the assessor's plan shall be considered
39 approved by the county governing body. If the state tax commission fails to
40 approve a plan and if the state tax commission and the assessor and the
41 governing body of the county involved are unable to resolve the differences, in
42 order to receive state cost-share funds outlined in section 137.750, the county or
43 the assessor shall petition the administrative hearing commission, by May first,
44 to decide all matters in dispute regarding the assessment maintenance
45 plan. Upon agreement of the parties, the matter may be stayed while the parties
46 proceed with mediation or arbitration upon terms agreed to by the parties. The
47 final decision of the administrative hearing commission shall be subject to judicial
48 review in the circuit court of the county involved. In the event a valuation of
49 subclass (1) real property within any county with a charter form of government,

50 or within a city not within a county, is made by a computer, computer-assisted
51 method or a computer program, the burden of proof, supported by clear,
52 convincing and cogent evidence to sustain such valuation, shall be on the assessor
53 at any hearing or appeal. In any such county, unless the assessor proves
54 otherwise, there shall be a presumption that the assessment was made by a
55 computer, computer-assisted method or a computer program. Such evidence shall
56 include, but shall not be limited to, the following:

57 (1) The findings of the assessor based on an appraisal of the property by
58 generally accepted appraisal techniques; and

59 (2) The purchase prices from sales of at least three comparable properties
60 and the address or location thereof. As used in this [paragraph] **subdivision**,
61 the word "comparable" means that:

62 (a) Such sale was closed at a date relevant to the property valuation; and

63 (b) Such properties are not more than one mile from the site of the
64 disputed property, except where no similar properties exist within one mile of the
65 disputed property, the nearest comparable property shall be used. Such property
66 shall be within five hundred square feet in size of the disputed property, and
67 resemble the disputed property in age, floor plan, number of rooms, and other
68 relevant characteristics.

69 2. Assessors in each county of this state and the city of St. Louis may send
70 personal property assessment forms through the mail.

71 3. The following items of personal property shall each constitute separate
72 subclasses of tangible personal property and shall be assessed and valued for the
73 purposes of taxation at the following percentages of their true value in money:

74 (1) Grain and other agricultural crops in an unmanufactured condition,
75 one-half of one percent;

76 (2) Livestock, twelve percent;

77 (3) Farm machinery, twelve percent;

78 (4) Motor vehicles which are eligible for registration as and are registered
79 as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which
80 are at least twenty-five years old and which are used solely for noncommercial
81 purposes and are operated less than fifty hours per year or aircraft that are home
82 built from a kit, five percent;

83 (5) Poultry, twelve percent; and

84 (6) Tools and equipment used for pollution control and tools and
85 equipment used in retooling for the purpose of introducing new product lines or

86 used for making improvements to existing products by any company which is
87 located in a state enterprise zone and which is identified by any standard
88 industrial classification number cited in subdivision (6) of section 135.200, RSMo,
89 twenty-five percent.

90 4. The person listing the property shall enter a true and correct statement
91 of the property, in a printed blank prepared for that purpose. The statement,
92 after being filled out, shall be signed and either affirmed or sworn to as provided
93 in section 137.155. The list shall then be delivered to the assessor.

94 5. All subclasses of real property, as such subclasses are established in
95 section 4(b) of article X of the Missouri Constitution and defined in section
96 137.016, shall be assessed at the following percentages of true value:

97 (1) For real property in subclass (1), nineteen percent;

98 (2) For real property in subclass (2), twelve percent; and

99 (3) For real property in subclass (3), thirty-two percent.

100 6. Manufactured homes, as defined in section 700.010, RSMo, which are
101 actually used as dwelling units shall be assessed at the same percentage of true
102 value as residential real property for the purpose of taxation. The percentage of
103 assessment of true value for such manufactured homes shall be the same as for
104 residential real property. If the county collector cannot identify or find the
105 manufactured home when attempting to attach the manufactured home for
106 payment of taxes owed by the manufactured home owner, the county collector
107 may request the county commission to have the manufactured home removed from
108 the tax books, and such request shall be granted within thirty days after the
109 request is made; however, the removal from the tax books does not remove the tax
110 lien on the manufactured home if it is later identified or found. A manufactured
111 home located in a manufactured home rental park, rental community or on real
112 estate not owned by the manufactured home owner shall be considered personal
113 property. A manufactured home located on real estate owned by the
114 manufactured home owner may be considered real property.

115 7. Each manufactured home assessed shall be considered a parcel for the
116 purpose of reimbursement pursuant to section 137.750, unless the manufactured
117 home has been converted to real property in compliance with section 700.111,
118 RSMo, and assessed as a realty improvement to the existing real estate parcel.

119 8. Any amount of tax due and owing based on the assessment of a
120 manufactured home shall be included on the personal property tax statement of
121 the manufactured home owner unless the manufactured home has been converted

122 to real property in compliance with section 700.111, RSMo, in which case the
123 amount of tax due and owing on the assessment of the manufactured home as a
124 realty improvement to the existing real estate parcel shall be included on the real
125 property tax statement of the real estate owner.

126 9. The assessor of each county and each city not within a county shall use
127 the trade-in value published in the October issue of the National Automobile
128 Dealers' Association Official Used Car Guide, or its successor publication, as the
129 recommended guide of information for determining the true value of motor
130 vehicles described in such publication. In the absence of a listing for a particular
131 motor vehicle in such publication, the assessor shall use such information or
132 publications which in the assessor's judgment will fairly estimate the true value
133 in money of the motor vehicle.

134 10. Before the assessor may increase the assessed valuation of any parcel
135 of subclass (1) real property by more than fifteen percent since the last
136 assessment, excluding increases due to new construction or improvements, the
137 assessor shall conduct a physical inspection of such property.

138 11. If a physical inspection is required, pursuant to subsection 10 of this
139 section, the assessor shall notify the property owner of that fact in writing and
140 shall provide the owner clear written notice of the owner's rights relating to the
141 physical inspection. If a physical inspection is required, the property owner may
142 request that an interior inspection be performed during the physical
143 inspection. The owner shall have no less than thirty days to notify the assessor
144 of a request for an interior physical inspection.

145 12. A physical inspection, as required by subsection 10 of this section,
146 shall include, but not be limited to, an on-site personal observation and review
147 of all exterior portions of the land and any buildings and improvements to which
148 the inspector has or may reasonably and lawfully gain external access, and shall
149 include an observation and review of the interior of any buildings or
150 improvements on the property upon the timely request of the owner pursuant to
151 subsection 11 of this section. Mere observation of the property via a "drive-by
152 inspection" or the like shall not be considered sufficient to constitute a physical
153 inspection as required by this section.

154 13. The provisions of subsections 11 and 12 of this section shall only apply
155 in any county with a charter form of government with more than one million
156 inhabitants.

157 14. A county or city collector may accept credit cards as proper form of

158 payment of outstanding property tax or license due. No county or city collector
159 may charge surcharge for payment by credit card which exceeds the fee or
160 surcharge charged by the credit card bank, processor, or issuer for its service. A
161 county or city collector may accept payment by electronic transfers of funds in
162 payment of any tax or license and charge the person making such payment a fee
163 equal to the fee charged the county by the bank, processor, or issuer of such
164 electronic payment.

165 15. Any county or city not within a county in this state may, by an
166 affirmative vote of the governing body of such county, opt out of the provisions of
167 this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by
168 house bill no. 1150 of the ninety-first general assembly, second regular session
169 and section 137.073 as modified by [this act] **house committee substitute for**
170 **senate substitute for senate committee substitute for senate bill no. 960,**
171 **ninety-second general assembly, second regular session,** for the next year
172 of the general reassessment, prior to January first of any year. No county or city
173 not within a county shall exercise this opt-out provision after implementing the
174 provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as
175 enacted by house bill no. 1150 of the ninety-first general assembly, second
176 regular session and section 137.073 as modified by [this act] **house committee**
177 **substitute for senate substitute for senate committee substitute for**
178 **senate bill no. 960, ninety-second general assembly, second regular**
179 **session,** in a year of general reassessment. For the purposes of applying the
180 provisions of this subsection, a political subdivision contained within two or more
181 counties where at least one of such counties has opted out and at least one of
182 such counties has not opted out shall calculate a single tax rate as in effect prior
183 to the enactment of house bill no. 1150 of the ninety-first general assembly,
184 second regular session. A governing body of a city not within a county or a
185 county that has opted out under the provisions of this subsection may choose to
186 implement the provisions of this section and sections 137.073, 138.060, and
187 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
188 assembly, second regular session, and section 137.073 as modified by [this act]
189 **house committee substitute for senate substitute for senate committee**
190 **substitute for senate bill no. 960, ninety-second general assembly,**
191 **second regular session,** for the next year of general reassessment, by an
192 affirmative vote of the governing body prior to December thirty-first of any year.

193 16. The governing body of any city of the third classification with more

194 than twenty-six thousand three hundred but fewer than twenty-six thousand
195 seven hundred inhabitants located in any county that has exercised its authority
196 to opt out under subsection 15 of this section may levy separate and differing tax
197 rates for real and personal property only if such city bills and collects its own
198 property taxes or satisfies the entire cost of the billing and collection of such
199 separate and differing tax rates. Such separate and differing rates shall not
200 exceed such city's tax rate ceiling.

137.122. 1. As used in this section, the following terms mean:

2 (1) "Business personal property", tangible personal property which is used
3 in a trade or business or used for production of income and which has a
4 determinable life of longer than one year except that supplies used by a business
5 shall also be considered business personal property, but shall not include
6 livestock, farm machinery, grain and other agricultural crops in an
7 unmanufactured condition, property subject to the motor vehicle registration
8 provisions of chapter 301, RSMo, property assessed under section 137.078, the
9 property of rural electric cooperatives under chapter 394, RSMo, or property
10 assessed by the state tax commission under chapters 151, 153, and 155, RSMo,
11 section 137.022, and sections 137.1000 to 137.1030;

12 (2) "Class life", the class life of property as set out in the federal Modified
13 Accelerated Cost Recovery System life tables or their successors under the
14 Internal Revenue Code as amended;

15 (3) "Economic or functional obsolescence", a loss in value of personal
16 property above and beyond physical deterioration and age of the property. Such
17 loss may be the result of economic or functional obsolescence or both;

18 (4) "Original cost", the price the current owner, the taxpayer, paid for the
19 item without freight, installation, or sales or use tax. In the case of acquisition
20 of items of personal property as part of an acquisition of an entity, the original
21 cost shall be the historical cost of those assets remaining in place and in use and
22 the placed in service date shall be the date of acquisition by the entity being
23 acquired;

24 (5) "Placed in service", property is placed in service when it is ready and
25 available for a specific use, whether in a business activity, an income-producing
26 activity, a tax-exempt activity, or a personal activity. Even if the property is not
27 being used, the property is in service when it is ready and available for its
28 specific use;

29 (6) "Recovery period", the period over which the original cost of

30 depreciable tangible personal property shall be depreciated for property tax
 31 purposes and shall be the same as the recovery period allowed for such property
 32 under the Internal Revenue Code.

33 2. To establish uniformity in the assessment of depreciable tangible
 34 personal property, each assessor shall use the standardized schedule of
 35 depreciation in this section to determine the assessed valuation of depreciable
 36 tangible personal property for the purpose of estimating the value of such
 37 property subject to taxation under this chapter.

38 3. For purposes of this section, and to estimate the value of depreciable
 39 tangible personal property for mass appraisal purposes, each assessor shall value
 40 depreciable tangible personal property by applying the class life and recovery
 41 period to the original cost of the property according to the following depreciation
 42 schedule. The percentage shown for the first year shall be the percentage of the
 43 original cost used for January first of the year following the year of acquisition
 44 of the property, and the percentage shown for each succeeding year shall be the
 45 percentage of the original cost used for January first of the respective succeeding
 46 year as follows:

47 Year	48 Recovery Period in Years					
	3	5	7	10	15	20
49 1	75.00	85.00	89.29	92.50	95.00	96.25
50 2	37.50	59.50	70.16	78.62	85.50	89.03
51 3	12.50	41.65	55.13	66.83	76.95	82.35
52 4	5.00	24.99	42.88	56.81	69.25	76.18
53 5		10.00	30.63	48.07	62.32	70.46
54 6			18.38	39.33	56.09	65.18
55 7			10.00	30.59	50.19	60.29
56 8				21.85	44.29	55.77
57 9				15.00	38.38	51.31
58 10					32.48	46.85
59 11					26.57	42.38
60 12					20.67	37.92
61 13					15.00	33.46
62 14						29.00
63 15						24.54

64 16 20.08

65 17 20.00

66 Depreciable tangible personal property in all recovery periods shall continue in
67 subsequent years to have the depreciation factor last listed in the appropriate
68 column so long as it is owned or held by the taxpayer. The state tax commission
69 shall study and analyze the values established by this method of assessment and
70 in every odd-numbered year make recommendations to the joint committee on tax
71 policy pertaining to any changes in this methodology, if any, that are warranted.

72 4. Such estimate of value determined under this section shall be presumed
73 to be correct for the purpose of determining the true value in money of the
74 depreciable tangible personal property, but such estimation may be disproved by
75 substantial and persuasive evidence of the true value in money under any method
76 determined by the state tax commission to be correct, including, but not limited
77 to, an appraisal of the tangible personal property specifically utilizing generally
78 accepted appraisal techniques, and contained in a narrative appraisal report in
79 accordance with the Uniform Standards of Professional Appraisal Practice or by
80 proof of economic or functional obsolescence or evidence of excessive physical
81 deterioration. For purposes of appeal of the provisions of this section, the salvage
82 or scrap value of depreciable tangible personal property may only be considered
83 if the property is not in use as of the assessment date.

84 5. This section shall not apply to business personal property placed in
85 service before January 2, 2006. **Nothing in this section shall create a**
86 **presumption as to the proper method of determining the assessed**
87 **valuation of business personal property placed in service before**
88 **January 2, 2006.**

89 6. The provisions of this section are not intended to modify the definition
90 of tangible personal property as defined in section 137.010.

137.180. 1. Whenever any assessor shall increase the valuation of any
2 real property he shall forthwith notify the record owner of such increase, either
3 in person, or by mail directed to the last known address; every such increase in
4 assessed valuation made by the assessor shall be subject to review by the county
5 board of equalization whereat the landowner shall be entitled to be heard, and
6 the notice to the landowner shall so state.

7 2. **Effective January 1, 2009, for all counties with a charter form**
8 **of government, whenever any assessor shall increase the valuation of**
9 **any real property, he or she shall forthwith notify the record owner on**

10 or before June fifteenth of such increase and, in a year of general
11 reassessment, the county shall notify the record owner of the projected
12 tax liability likely to result from such an increase, either in person, or
13 by mail directed to the last known address; every such increase in
14 assessed valuation made by the assessor shall be subject to review by
15 the county board of equalization whereat the landowner shall be
16 entitled to be heard, and the notice to the landowner shall so
17 state. Notice of the projected tax liability from the county shall
18 accompany the notice of increased valuation from the assessor.

19 3. Effective January 1, 2011, for all counties not subject to the
20 provisions of subsection 2 of this section or subsection 2 of section
21 137.355, whenever any assessor shall increase the valuation of any real
22 property, he or she shall forthwith notify the record owner on or before
23 June fifteenth of such increase and, in a year of general reassessment,
24 the county shall notify the record owner of the projected tax liability
25 likely to result from such an increase, either in person, or by mail
26 directed to the last known address; every such increase in assessed
27 valuation made by the assessor shall be subject to review by the county
28 board of equalization whereat the landowner shall be entitled to be
29 heard, and the notice to the landowner shall so state. Notice of the
30 projected tax liability from the county shall accompany the notice of
31 increased valuation from the assessor.

32 4. The notice of projected tax liability, required under
33 subsections 2 and 3 of this section, from the county shall include:

34 (1) Record owner's name, address, and the parcel number of the
35 property;

36 (2) A list of all political subdivisions levying a tax upon the
37 property of the record owner;

38 (3) The projected tax rate for each political subdivision levying
39 a tax upon the property of the record owner, and the purpose for each
40 levy of such political subdivisions;

41 (4) The previous year's tax rates for each individual tax levy
42 imposed by each political subdivision levying a tax upon the property
43 of the record owner;

44 (5) The tax rate ceiling for each levy imposed by each political
45 subdivision levying a tax upon the property of the record owner;

46 **(6) The contact information for each political subdivision levying**
47 **a tax upon the property of the record owner;**

48 **(7) A statement identifying any projected tax rates for political**
49 **subdivisions levying a tax upon the property of the record owner,**
50 **which were not calculated and provided by the political subdivision**
51 **levying the tax; and**

52 **(8) The total projected property tax liability of the taxpayer.**

137.243. 1. To determine the "projected tax liability" required by
2 subsections 2 and 3 of section 137.180, subsection 2 of section 137.355,
3 and subsection 2 of section 137.490, the assessor, on or before March
4 first of each tax year, shall provide the clerk with the assessment book
5 which for this purpose shall contain the real estate values for that year,
6 the prior year's state assessed values, and the prior year's personal
7 property values. On or before March fifteenth, the clerk shall make out
8 an abstract of the assessment book showing the aggregate amounts of
9 different kinds of real, personal, and other tangible property and the
10 valuations of each for each political subdivision in the county, or in the
11 city for any city not within a county, entitled to levy ad valorem taxes
12 on property except for municipalities maintaining their own tax or
13 assessment books. The governing body of each political subdivision or
14 a person designated by the governing body shall use such information
15 to informally project a nonbinding tax levy for that year and return
16 such projected tax levy to the clerk no later than April eighth. The
17 clerk shall forward such information to the collector who shall then
18 calculate and, no later than April thirtieth, provide to the assessor the
19 projected tax liability for each real estate parcel for which the assessor
20 intends to mail a notice of increase pursuant to sections 137.180,
21 137.355, and 137.490.

22 **2. Political subdivisions located at least partially within two or**
23 **more counties, which are subject to divergent time requirements, shall**
24 **comply with all requirements applicable to each such county and may**
25 **utilize the most recent available information to satisfy such**
26 **requirements.**

27 **3. Failure by an assessor to timely provide the assessment book**
28 **or notice of increased assessed value, as provided in this section, may**
29 **result in the state tax commission withholding all or a part of the**

30 moneys provided under section 137.720 and all state per parcel
31 reimbursement funds which would otherwise be made available to such
32 assessor.

33 4. Failure by a political subdivision to provide the clerk with a
34 projected tax levy in the time prescribed under this section shall result
35 in a twenty percent reduction in such political subdivision's tax rate
36 for the tax year, unless such failure is a direct result of a delinquency
37 in the provision of, or failure to provide, information required by this
38 section by the assessor or the clerk. If a political subdivision fails to
39 provide the projected tax rate as provided in this section, the clerk
40 shall notify the state auditor who shall, within seven days of receiving
41 such notice, estimate a non-binding tax levy for such political
42 subdivision and return such to the clerk. The clerk shall notify the
43 state auditor of any applicable reduction to a political subdivision's tax
44 rate.

45 5. Any taxing district wholly within a county with a township
46 form of government may, through a request submitted by the county
47 clerk, request that the state auditor's office estimate a nonbinding
48 projected tax rate based on the information provided by the county
49 clerk. The auditor's office shall return the projected tax rate to the
50 county clerk no later than April eighth.

51 6. The clerk shall deliver the abstract of the assessment book to
52 each taxing district with a notice stating that their projected tax rates
53 be returned to the clerk by April eighth.

137.245. 1. The assessor[, except in St. Louis City,] shall make out and
2 return to the county governing body, on or before the [thirty-first] first day of
3 [May] July in every year, the assessor's book, verified by an affidavit annexed
4 thereto, in the following words:

5 "..... being duly sworn, makes oath and says that such person has made
6 diligent efforts to ascertain all the taxable property being or situate, on the first
7 day of January last past, in the county of which such person is assessor; that, so
8 far as such person has been able to ascertain the same, it is correctly set forth in
9 the foregoing book, in the manner and the value thereof stated therein, according
10 to the mode required by law".

11 2. The clerk of the county governing body shall immediately make out an
12 abstract of the assessment book, showing aggregate footings of the different

13 columns, so as to set forth the aggregate amounts of the different kinds of real
14 and tangible personal property and the valuation thereof, and forward the
15 abstract to the state tax commission. Failure of the clerk to make out and
16 forward the abstract to the state tax commission on or before the twentieth day
17 of [June] **July** is a misdemeanor.

18 3. The clerk of the county governing body in all counties, and the assessor
19 in St. Louis City, shall make out an abstract of the assessment book showing the
20 aggregate amounts of different kinds of real, personal and other tangible property
21 and the valuations of each for each political subdivision in the county entitled to
22 levy ad valorem taxes on property except for municipalities maintaining their own
23 tax or assessment books. The clerk of each county, and the assessor in St. Louis
24 City, shall forward a copy of the aggregate valuation listed in the tax book for
25 each political subdivision, except counties and municipalities maintaining their
26 own tax or assessment books, to the governing body of the subdivision by the
27 [first] **twentieth** day of July of each year. In any county which contains a city
28 with a population of one hundred thousand or more inhabitants which is located
29 within a county of the first classification that adjoins no other county of the first
30 classification, the clerk of the county shall provide the final revised assessed
31 valuation listed in the tax book for each school district within the county to each
32 such district on or before the fifteenth day of August of each year. The clerk of
33 any county of the first classification with a charter form of government and with
34 more than six hundred thousand but less than seven hundred thousand
35 inhabitants shall forward a copy of the aggregate valuation listed in the tax book
36 for school districts within the county to each such district by the fifteenth day of
37 [June] **July** of each year.

137.275. Every person who thinks himself aggrieved by the assessment
2 of his property may appeal to the county board of equalization, in person, by
3 attorney or agent, or in writing. **Such appeals shall be lodged with the**
4 **county board of equalization on or before the second Monday in July.**

137.335. The state tax commission shall design the necessary assessment
2 blanks, which shall contain a classification of all tangible personal property, and
3 the blanks shall be furnished to the county assessor sixty days before January
4 first of each year. After receiving the form of the assessment blanks, the assessor
5 or his deputies shall, between the first day of January and the [fifteenth] **first**
6 day of [May] **July** of each year, [unless the time be extended for good cause
7 shown by order of the county commission for a period expiring not later than May

8 thirty-first,] make and complete a list of all real and tangible personal property
9 taxable by the county and assess the property at its true value in money.

137.355. 1. If an assessor increases the valuation of any tangible personal
2 property as estimated in the itemized list furnished to the assessor, and if an
3 assessor increases the valuation of any real property, he shall forthwith notify the
4 record owner of the increase either in person or by mail directed to the last
5 known address, and if the address of the owner is unknown notice shall be given
6 by publication in two newspapers published in the county.

7 **2. Effective January 1, 2011, if an assessor increases the**
8 **valuation of any real property, the assessor, on or before June**
9 **fifteenth, shall notify the record owner of the increase and, in a year**
10 **of general reassessment, the county shall notify the record owner of the**
11 **projected tax liability likely to result from such an increase either in**
12 **person or by mail directed to the last known address, and, if the**
13 **address of the owner is unknown, notice shall be given by publication**
14 **in two newspapers published in the county. Notice of the projected tax**
15 **liability from the county shall accompany the notice of increased**
16 **valuation from the assessor.**

17 **3. The notice of projected tax liability, required under subsection**
18 **2 of this section, from the county shall include:**

19 **(1) Record owner's name, address, and the parcel number of the**
20 **property;**

21 **(2) A list of all political subdivisions levying a tax upon the**
22 **property of the record owner;**

23 **(3) The projected tax rate for each political subdivision levying**
24 **a tax upon the property of the record owner, and the purpose for each**
25 **levy of such political subdivisions;**

26 **(4) The previous year's tax rates for each individual tax levy**
27 **imposed by each political subdivision levying a tax upon the property**
28 **of the record owner;**

29 **(5) The tax rate ceiling for each levy imposed by each political**
30 **subdivision levying a tax upon the property of the record owner;**

31 **(6) The contact information for each political subdivision levying**
32 **a tax upon the property of the record owner;**

33 **(7) A statement identifying any projected tax rates for political**
34 **subdivisions levying a tax upon the property of the record owner,**

35 **which were not calculated and provided by the political subdivision**
 36 **levying the tax; and**

37 **(8) The total projected property tax liability of the taxpayer.**

137.375. 1. The assessor shall make out and return to the county
 2 commission, on or before the [fifteenth] **first** day of [May] **July** in every year,
 3 [unless such time be extended as provided in section 137.335,] the assessor's
 4 book, verified by his affidavit annexed thereto, in the following words:

5 being duly sworn makes oath and says that he has
 6 made diligent efforts to ascertain all the taxable property being or situate on the
 7 first day of January last past, in the county of which he is assessor; that, so far
 8 as he has been able to ascertain the same, it is correctly set forth in the foregoing
 9 book, in the manner and the value thereof stated therein, according to the mode
 10 required by law.

11 2. The clerk of the county commission shall immediately make out an
 12 abstract of the assessment book, showing aggregate footings of the different
 13 columns, so as to set forth the aggregate amounts of the different kinds of real
 14 and tangible personal property and the valuation thereof, and forward the
 15 abstract to the state tax commission.

16 3. Upon failure to make out and forward the abstract to the state tax
 17 commission on or before the [tenth] **twentieth** day of [June] **July** or within the
 18 additional time allowed by the county commission, the clerk shall upon conviction
 19 be deemed guilty of a misdemeanor.

137.390. After the assessor's book shall be corrected and adjusted
 2 according to law, but not later than September twentieth of each year, **or in the**
 3 **case of any city not within a county or counties with a charter form of**
 4 **government, not later than October first**, the county commission shall
 5 ascertain the sum necessary to be raised for county purposes, and fix the rate of
 6 taxes on the several subjects of taxation so as to raise the required sum, and the
 7 same shall be entered in proper columns in the tax book.

137.490. 1. The assessor, or his deputies under his direction, shall assess
 2 all the taxable real property within the city and all tangible personal property
 3 taxable by the city under the laws of this state in the manner provided in sections
 4 137.485 to 137.550 and as otherwise provided by law, and for that purpose the
 5 assessor may divide and assign the work or any of it among them. They shall
 6 commence their assessment on the first day of January in each year and complete
 7 the assessment, and the deputies make their final reports thereof to the assessor,

8 on or before the first day of [April] **July** next following. The assessor shall see
9 that the assessment is made uniform and equal throughout the city. If the
10 assessor proposes to increase any assessment of real property, he shall give notice
11 of the fact to the person owning the property affected, his agent or representative,
12 by personal notice, or by mail directed to the last known address.

13 **2. Effective January 1, 2009, the assessor, or his or her deputies**
14 **under his or her direction, shall commence their assessment on the first**
15 **day of January in each year and complete the assessment, and the**
16 **deputies make their final reports thereof to the assessor, on or before**
17 **the first day of March next following. The assessor shall see that the**
18 **assessment is made uniform and equal throughout the city. If the**
19 **assessor proposes to increase any assessment of real property, the**
20 **assessor shall, on or before the fifteenth day of June, give notice of the**
21 **fact and, in a year of general reassessment, the city shall provide notice**
22 **of the projected tax liability likely to result from such an increase to**
23 **the person owning the property affected, his or her agent or**
24 **representative, by personal notice, or by mail directed to the last**
25 **known address. Notice of the projected tax liability from the city shall**
26 **accompany the notice of increased valuation from the assessor.**

27 **3. The notice of projected tax liability, required under subsection**
28 **2 of this section, from the city shall include:**

29 **(1) Record owner's name, address, and the parcel number of the**
30 **property;**

31 **(2) A list of all political subdivisions levying a tax upon the**
32 **property of the record owner;**

33 **(3) The projected tax rate for each political subdivision levying**
34 **a tax upon the property of the record owner, and the purpose for each**
35 **levy of such political subdivisions;**

36 **(4) The previous year's tax rates for each individual tax levy**
37 **imposed by each political subdivision levying a tax upon the property**
38 **of the record owner;**

39 **(5) The tax rate ceiling for each levy imposed by each political**
40 **subdivision levying a tax upon the property of the record owner;**

41 **(6) The contact information for each political subdivision levying**
42 **a tax upon the property of the record owner;**

43 **(7) A statement identifying any projected tax rates for political**

44 **subdivisions levying a tax upon the property of the record owner,**
45 **which were not calculated and provided by the political subdivision**
46 **levying the tax; and**

47 **(8) The total projected property tax liability of the taxpayer.**

137.510. The assessor shall make up the assessment plat books or records
2 in convenient alphabetical or numerical order from the reports made by the
3 deputy assessors, the lists, statements or returns made of real or tangible
4 personal property, his own view, or the best information he can otherwise obtain,
5 and complete said assessment plat books or records on or before [the first Monday
6 in May] **July first** of each year.

137.515. After the assessment plat books or records have been corrected,
2 the assessor shall make an abstract thereof showing the amount of the several
3 kinds of property assessed and specifying the amount of value of all taxable
4 property within the city, and certify thereon that the same is a true and correct
5 abstract of all such property in the city so far as he has been able to
6 ascertain. One copy of the abstract, verified by his oath, shall be delivered on or
7 before the twentieth day of [June] **July** to the mayor, and another to the state
8 tax commission.

137.720. 1. A percentage of all ad valorem property tax collections
2 allocable to each taxing authority within the county and the county shall be
3 deducted from the collections of taxes each year and shall be deposited into the
4 assessment fund of the county as required pursuant to section 137.750. The
5 percentage shall be one-half of one percent for all counties of the first and second
6 classification and cities not within a county and one percent for counties of the
7 third and fourth classification.

2. **Prior to July 1, 2009**, for counties of the first classification, counties
9 with a charter form of government, and any city not within a county, an
10 additional one-eighth of one percent of all ad valorem property tax collections
11 shall be deducted from the collections of taxes each year and shall be deposited
12 into the assessment fund of the county as required pursuant to section 137.750,
13 and for counties of the second, third, and fourth classification, an additional
14 one-quarter of one percent of all ad valorem property tax collections shall be
15 deducted from the collections of taxes each year and shall be deposited into the
16 assessment fund of the county as required pursuant to section 137.750, provided
17 that such additional amounts shall not exceed one hundred thousand dollars in
18 any year for any county of the first classification and any county with a charter

19 form of government and fifty thousand dollars in any year for any county of the
20 second, third, or fourth classification.

21 **3. Effective July 1, 2009, for counties of the first classification,**
22 **counties with a charter form of government, and any city not within a**
23 **county, an additional one-eighth of one percent of all ad valorem**
24 **property tax collections shall be deducted from the collections of taxes**
25 **each year and shall be deposited into the assessment fund of the county**
26 **as required pursuant to section 137.750, and for counties of the second,**
27 **third, and fourth classification, an additional one-half of one percent**
28 **of all ad valorem property tax collections shall be deducted from the**
29 **collections of taxes each year and shall be deposited into the**
30 **assessment fund of the county as required pursuant to section 137.750,**
31 **provided that such additional amounts shall not exceed one hundred**
32 **twenty-five thousand dollars in any year for any county of the first**
33 **classification and any county with a charter form of government and**
34 **seventy-five thousand dollars in any year for any county of the second,**
35 **third, or fourth classification.**

36 **4.** The county shall bill any taxing authority collecting its own taxes. The
37 county may also provide additional moneys for the fund. To be eligible for state
38 cost-share funds provided pursuant to section 137.750, every county shall provide
39 from the county general revenue fund an amount equal to an average of the three
40 most recent years of the amount provided from general revenue to the assessment
41 fund; provided, however, that capital expenditures and equipment expenses
42 identified in a memorandum of understanding signed by the county's governing
43 body and the county assessor prior to transfer of county general revenue funds
44 to the assessment fund shall be deducted from a year's contribution before
45 computing the three-year average, except that a lesser amount shall be acceptable
46 if unanimously agreed upon by the county assessor, the county governing body,
47 and the state tax commission. The county shall deposit the county general
48 revenue funds in the assessment fund as agreed to in its original or amended
49 maintenance plan, state reimbursement funds shall be withheld until the amount
50 due is properly deposited in such fund.

51 **[4. Four years following the effective date, the state tax commission shall**
52 **conduct a study to determine the impact of increased fees on assessed valuation.]**

53 **5. For all years beginning on or after January 1, 2010, any**
54 **[increase to the portion of] property tax collections deposited into the county**

55 assessment funds provided for in subsection 2 of this section shall be disallowed
56 in any year in which the state tax commission [certifies an equivalent sales ratio
57 for the county of less than or equal to thirty-one and two-thirds percent pursuant
58 to the provisions of section 138.395, RSMo] **notifies the county that state**
59 **assessment reimbursement funds have been withheld from the county**
60 **for three consecutive quarters due to noncompliance by the assessor or**
61 **county commission with the county's assessment maintenance plan.**

62 6. The provisions of subsections 2[, 4,] **3**, and 5 of this section shall expire
63 on December 31, [2009] **2015**.

137.721. Notwithstanding the provisions of section 137.720, in all counties
2 which become counties of the first classification after September 1, [1998] **1996**,
3 one percent of all ad valorem taxes allocable to the county and each taxing
4 authority within the county shall continue to be deducted from taxes collected on
5 the first five hundred million dollars of assessed valuation, and one-half percent
6 collected on the remainder, and deposited in the assessment fund. The
7 one-percent fee shall be assigned among the political subdivisions by the assessor,
8 who shall determine the percentage of total valuation in the county divided into
9 five hundred million dollars. The collector shall retain one percent of that
10 percentage of each political subdivision's property taxes, and one-half percent of
11 the remainder, for the assessment fund.

137.1018. 1. The commission shall ascertain the statewide average rate
2 of property taxes levied the preceding year, based upon the total assessed
3 valuation of the railroad and street railway companies and the total property
4 taxes levied upon the railroad and street railway companies. It shall determine
5 total property taxes levied from reports prescribed by the commission from the
6 railroad and street railway companies. Total taxes levied shall not include
7 revenues from the surtax on subclass three real property.

8 2. The commission shall report its determination of average property tax
9 rate for the preceding year, together with the taxable distributable assessed
10 valuation of each freight line company for the current year to the director no later
11 than October first of each year.

12 3. Taxes on property of such freight line companies shall be collected at
13 the state level by the director on behalf of the counties and other local public
14 taxing entities and shall be distributed in accordance with sections 137.1021 and
15 137.1024. The director shall tax such property based upon the distributable
16 assessed valuation attributable to Missouri of each freight line company, using

17 the average tax rate for the preceding year of the railroad and street railway
18 companies certified by the commission. Such tax shall be due and payable on or
19 before December thirty-first of the year levied and, if it becomes delinquent, shall
20 be subject to a penalty equal to that specified in section 140.100, RSMo.

21 **4. (1) As used in this subsection, the following terms mean:**

22 **(a) "Eligible expenses", expenses incurred in this state to**
23 **manufacture, maintain, or improve a freight line company's qualified**
24 **rolling stock;**

25 **(b) "Qualified rolling stock", any freight, stock, refrigerator, or**
26 **other railcars subject to the tax levied under this section.**

27 **(2) For all taxable years beginning on or after January 1, 2009,**
28 **a freight line company shall, subject to appropriation, be allowed a**
29 **credit against the tax levied under this section for the applicable tax**
30 **year. The tax credit amount shall be equal to the amount of eligible**
31 **expenses incurred during the calendar year immediately preceding the**
32 **tax year for which the credit under this section is claimed. The amount**
33 **of the tax credit issued shall not exceed the freight line company's**
34 **liability for the tax levied under this section for the tax year for which**
35 **the credit is claimed.**

36 **(3) A freight line company may apply for the credit by submitting**
37 **to the commission an application in the form prescribed by the state**
38 **tax commission.**

39 **(4) Subject to appropriation, the state shall reimburse, on an**
40 **annual basis, any political subdivision of this state for any decrease in**
41 **revenue due to the provisions of this subsection.**

42 **5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

43 **(1) The provisions of the new program authorized under this**
44 **section shall automatically sunset six years after the effective date of**
45 **this section unless reauthorized by an act of the general assembly; and**

46 **(2) If such program is reauthorized, the program authorized**
47 **under this section shall automatically sunset twelve years after the**
48 **effective date of the reauthorization of this section; and**

49 **(3) This section shall terminate on September first of the**
50 **calendar year immediately following the calendar year in which the**
51 **program authorized under this section is sunset.**

138.010. 1. Except as otherwise provided by law, in every county in this

2 state there shall be a county board of equalization consisting of the
3 commissioners of the county commission, the county assessor as a nonvoting
4 member, the county surveyor, and the county clerk who shall be secretary of the
5 board without a vote. The county commissioners shall also appoint two additional
6 members to the board who shall be citizens of the county, but not officers of the
7 county and, for such additional members appointed after August 28, 2007, not
8 related to any member of the county board of equalization within the third degree
9 of consanguinity, who shall have some level of experience as determined by the
10 county commission as a real estate broker, real estate appraiser, home builder,
11 property developer, lending officer, or investor in real estate before such member's
12 appointment to the board. The assessor or a member of the assessor's staff shall
13 be present at all board of equalization hearings, and shall have the right to
14 present evidence pertaining to any assessment matter before the board.

15 2. Except as provided in subsection 3 of this section, this board shall meet
16 at the office of the county clerk on the [second] **third** Monday of July of each
17 year.

18 3. Upon a finding by the board that it is necessary in order to fairly hear
19 all cases arising from a general reassessment, the board may begin meeting after
20 [May thirty-first] **July first** in any applicable year to timely consider any appeal
21 or complaint resulting from an evaluation made during a general reassessment
22 of all taxable real property and possessory interests in the county.

138.050. The following rules shall be observed by county boards of
2 equalization:

3 (1) They shall raise the valuation of all tracts or parcels of land and all
4 tangible personal property as in their opinion have been returned below their real
5 value; but, after the board has raised the valuation of such property, it shall give
6 notice of the fact, specifying the property and the amount raised, to the persons
7 owning or controlling the same, by personal notice, or through the mail if address
8 is known, or if address is unknown, by notice in one issue of any newspaper
9 published within the county at least once a week, and that said board shall meet
10 on the [second] **third** Monday in [August] **July**, to hear reasons, if any be given,
11 why such increase should not be made; the board shall meet on the [second]
12 **third** Monday in [August] **July** in each year to hear any person relating to any
13 such increase in valuation. **In any county with a charter form of**
14 **government or any city not within a county, the board shall complete**
15 **all business by the fourth Saturday in August. Any county of the first,**

16 **second, third, or fourth classification shall complete all business by**
17 **July thirty-first;**

18 (2) They shall reduce the valuation of such tracts or parcels of land or any
19 tangible personal property which, in their opinion, has been returned above its
20 true value as compared with the average valuation of all the real and tangible
21 personal property of the county.

138.090. 1. Except as provided in subsection 2 of this section, the county
2 board of equalization in first class counties shall meet on the first Monday in
3 **[June] July** of each year.

4 2. Upon a finding by the board that it is necessary in order to fairly hear
5 all cases arising from a general reassessment, the board may begin meeting after
6 **[May thirty-first] July first** in any applicable year to timely consider any appeal
7 or complaint resulting from an evaluation made during a general reassessment
8 of all taxable real property and possessory interests in the county. There shall
9 be no presumption that the assessor's valuation is correct.

138.100. 1. The following rules shall be observed by such county boards
2 of equalization:

3 (1) They shall raise the valuation of all tracts or parcels of land and all
4 tangible personal property as in their opinion have been returned below their real
5 value; but, after the board has raised the valuation of such property, notice shall
6 be given that said valuation of such property has been increased and a hearing
7 shall be granted; such notice shall be in writing and shall be directed to the
8 owner of the property or the person controlling the same, at his last address as
9 shown by the records in the assessor's office, and shall describe the property and
10 the value thereof as increased; such notice may be by personal service or by mail
11 and if the address of such person or persons is unknown, notice may be given by
12 publication in two newspapers published within the county; such notice shall be
13 served, mailed or published at least five days prior to the date on which said
14 hearing shall be held at which objections, if any, may be made against said
15 increased assessment;

16 (2) They shall reduce the valuation of such tracts or parcels of land or of
17 any tangible personal property which, in their opinion, has been returned above
18 its true value as compared with the average valuation of all the real and tangible
19 personal property of the county.

20 2. Such hearings shall end on the **[last Saturday] thirty-first day** of July
21 of each year, **except in any city not within a county or any county with**

22 **a charter form of government, in which such hearings shall end by the**
23 **fourth Saturday in August;** provided, that the estimated true value of personal
24 property as shown on any itemized personal property return shall not be
25 conclusive on the assessor or prevent the assessor from increasing such
26 valuation. Provided further that said board of equalization may meet thereafter
27 at least once a month for the purpose of hearing allegations of erroneous
28 assessments, double assessments and clerical errors, and upon satisfactory proof
29 thereof shall correct such errors and certify the same to the county clerk and
30 county collector.

31 3. The board of equalization in all counties with a charter form of
32 government shall provide the taxpayer with written findings of fact and a written
33 basis for the board's decision regarding any parcel of real property which is the
34 subject of a hearing before any board of equalization.

35 4. The provisions of subsection 3 of this section shall only apply in any
36 county with a charter form of government with more than one million
37 inhabitants.

138.110. Complaints as to rulings of the county board of equalization in
2 such counties shall be filed according to law with the state tax commission not
3 later than **[August fifteenth] September thirtieth** of the year in which such
4 ruling was made.

138.120. 1. The merchants' book and manufacturers' book prepared as
2 prescribed by law shall be returned by the assessor to the county board of
3 equalization on the **[third Monday in June] first day of July** of each year, which
4 said board is hereby required to meet at the office of the clerk of the county
5 commission on the **[third] first Monday in [June] July** of each year for the
6 purpose of equalizing the valuation of merchants' and manufacturers' statements,
7 and to that end shall have the same powers and shall proceed in the same
8 manner as provided by law, for the equalization of real and other tangible
9 personal property, so far as is consistent with the provisions of this chapter.

10 2. After the board shall have raised the valuation of any statement, it
11 shall give notice of the fact to the person, corporation or firm whose statement
12 shall have been raised in amount, by not less than five days' notice through the
13 mail, prior to the day of hearing, specifying the amount of such raise and advising
14 the taxpayer that he may offer objections to such increase as made.

15 3. The last meeting of said board shall be held not later than the **[last**
16 **Saturday in] thirty-first day of July** of each year, **except in any city not**

17 **within a county or any county with a charter form of government, in**
18 **which such last meeting shall be held not later than the fourth**
19 **Saturday in August.**

138.170. 1. Except as provided in subsection 4 of this section, the board
2 shall meet on the [third] **first** Monday in [May] **July**, annually, [and remain in
3 continuous session for at least three hours of each day, except Saturday, Sunday
4 and holidays, for four weeks] **and may continue to meet as needed until the**
5 **fourth Saturday in August.**

6 2. The board may subpoena witnesses and order the production of books
7 and papers, and any member may administer oaths, in relation to any matter
8 within its jurisdiction.

9 3. The board shall hear and determine all appeals summarily, and keep
10 a record of its proceedings, which shall remain in the assessment division.

11 4. Upon a finding by the board that it is necessary in order to fairly hear
12 all cases arising from a general reassessment, the board may begin meeting after
13 [May thirty-first] **July first** in any applicable year to timely consider any appeal
14 or complaint resulting from an evaluation made during a general reassessment
15 of all taxable real property and possessory interests in the city.

138.180. Any person may appeal in writing to the board of equalization
2 from the assessment of his property, which appeal shall specify the matter of
3 which he complains and which shall be filed at the office of the assessor of the
4 city on or before the second Monday in [May] **July** of each year, and any person
5 so appealing shall have the right of appeal from decisions of the local board to the
6 state tax commission as provided by law. There shall be no presumption that the
7 assessor's valuation is correct.

138.380. It shall be the duty of the state tax commission, and the
2 commissioners shall have authority, to perform all duties enumerated in this
3 section and such other duties as may be provided by law:

4 (1) To raise or lower the assessed valuation of any real or tangible
5 personal property, including the power to raise or lower the assessed valuation
6 of the real or tangible personal property of any individual, copartnership,
7 company, association or corporation; provided, that before any such assessment
8 is so raised, notice of the intention of the commission to raise such assessed
9 valuation and of the time and place at which a hearing thereon will be held, shall
10 be given to such individual, copartnership, company, association or corporation
11 as provided in sections 138.460 and 138.470;

12 (2) To require from any officer in this state, on forms prescribed by the
13 commission, such annual or other reports as shall enable said commission to
14 ascertain the assessed and equalized value of all real and tangible property listed
15 for taxation, the amount of taxes assessed, collected and returned, and such other
16 matter as the commission may require, to the end that it may have complete
17 information concerning the entire subject of revenue and taxation and all matters
18 and things incidental thereto;

19 (3) To cause to be placed upon the assessment rolls at any time during the
20 year omitted property which may be discovered to have, for any reason, escaped
21 assessment and taxation, and to correct any errors that may be found on the
22 assessment rolls and to cause the proper entry to be made thereon;

23 (4) To investigate the tax laws of other states and countries, to formulate
24 and submit to the legislature such recommendations as the commission may deem
25 expedient to prevent evasions of the assessment and taxing laws, whether the tax
26 is specific or general, to secure just, equal and uniform taxes, and improve the
27 system of assessment and taxation in this state;

28 (5) To prescribe the form of all blanks and books that are used in the
29 assessment and collection of the general property tax, except as otherwise
30 provided by law; **and**

31 **(6) To develop, or enter into contracts with entities for the**
32 **development of, computer software programs sufficient to produce the**
33 **projected tax liability notices required under subsections 2 and 3 of**
34 **section 137.180, subsection 2 of section 137.355, and subsection 2 of**
35 **section 137.490. Upon receiving a request, before December 31, 2009,**
36 **filed by a collector of any county or any city not within the county, the**
37 **commission shall provide the collector with such computer software**
38 **programs.**

138.390. 1. [Between the dates of June twentieth and the second Monday
2 in July, 1946, and between the same dates each year thereafter,] The state tax
3 commission shall equalize the valuation of real and tangible personal property
4 among the several counties in the state in the following manner: With the
5 abstracts of all the taxable property in the several counties of the state and the
6 abstracts of the sales of real estate in such counties as returned by the respective
7 county clerks and the assessor of the city of St. Louis, the commission shall
8 classify all real estate situate in cities, towns, and villages, as town lots, and all
9 other real estate as farming lands, and shall classify all tangible personal

10 property as follows: Banking corporations, railroad corporations, street railroad
11 corporations, all other corporations, horses, mares and geldings, mules, asses and
12 jennets, neat cattle, sheep, swine, goats, domesticated small animals and all other
13 livestock, poultry, power machinery, farm implements, other tangible personal
14 property.

15 2. The **state tax** commission shall equalize the valuation of each class **or**
16 **subclass of property** thereof among the respective counties of the state in the
17 following manner:

18 (1) It shall add to the valuation of each class, **subclass, or portion**
19 **thereof**, of the property, real or tangible personal, of each county which it
20 believes to be valued below its real value in money such **amount or** percent as
21 will increase the same in each case to its true value;

22 (2) It shall deduct from the valuation of each class, **subclass, or portion**
23 **thereof**, of the property, real or tangible personal, of each county which it
24 believes to be valued above its real value in money such **amount or** percent as
25 will reduce the same in each case to its true value.

138.400. 1. The secretary of the state tax commission shall [transmit]
2 **certify** to each county clerk and to the assessor in the city of St. Louis [a report
3 showing the percent added to or deducted from the valuation of the property of
4 his county, specifying the percentage added to or deducted from the real property
5 and the tangible personal property respectively, denoted by classes, and also the
6 value of the real and tangible personal property of his county as equalized by said
7 commission; and the said clerk shall furnish one copy thereof to the assessor, and
8 except in St. Louis City one copy shall be laid before the annual county board of
9 equalization.

10 2. This report shall be delivered to the clerks of] **the aggregate values**
11 **of property in** the several counties [so that it may be in the possession of
12 county boards of equalization on or before the second Monday in July. The
13 assessor in St. Louis City shall make such adjustments of property valuations as
14 directed by the state tax commission] **within fourteen days of the receipt of**
15 **the abstracts from the county clerk.**

16 [3.] 2. It shall be the duty of the state tax commission to require of clerks
17 of the several county commissions of this state and of the assessor in St. Louis
18 City to keep up the aggregate valuation of real and tangible personal property in
19 their respective counties as fixed by the state tax commission, **and to return**
20 **such aggregate values to the state tax commission upon the**

21 **adjournment of the board of equalization. The clerks may amend the**
22 **aggregate values returned to the state tax commission at any time on**
23 **or before December thirty-first of the year of assessment.**

24 [4.] 3. In any case where the final valuation fixed by a county board of
25 equalization, as reported to the state tax commission, differs materially from the
26 valuation fixed by the commission, such county board of equalization may be
27 called into session by order of the state tax commission at any time between the
28 date when such county board of equalization adjourns sine die and the first day
29 of November of the same year.

138.430. 1. Every owner of real property or tangible personal property
2 shall have the right to appeal from the local boards of equalization to the state
3 tax commission under rules prescribed by the state tax commission, within the
4 time prescribed in this chapter or thirty days following the final action of the
5 local board of equalization, whichever date later occurs, concerning all questions
6 and disputes involving the assessment against such property, the correct
7 valuation to be placed on such property, the method or formula used in
8 determining the valuation of such property, or the assignment of a discriminatory
9 assessment to such property. The commission shall investigate all such appeals
10 and shall correct any assessment or valuation which is shown to be unlawful,
11 unfair, improper, arbitrary or capricious. Any person aggrieved by the decision
12 of the commission may seek review as provided in chapter 536, RSMo.

13 2. In order to investigate such appeals, the commission may inquire of the
14 owner of the property or of any other party to the appeal regarding any matter
15 or issue relevant to the valuation, subclassification or assessment of the
16 property. The commission may make its decision regarding the assessment or
17 valuation of the property based solely upon its inquiry and any evidence
18 presented by the parties to the commission, or based solely upon evidence
19 presented by the parties to the commission.

20 3. Every owner of real property or tangible personal property shall have
21 the right to appeal to the circuit court of the county in which the collector
22 maintains his office, from the decision of the local board of equalization not later
23 than thirty days after the final decision of the board of equalization concerning
24 all questions and disputes involving the exclusion or exemption of such property
25 from assessment or from the tax rolls pursuant to the Constitution of the United
26 States or the constitution or laws of this state, or of the taxable situs of such
27 property. The appeal shall be as a trial de novo in the manner prescribed for

28 nonjury civil proceedings. **Upon the timely filing of the appeal, the clerk**
29 **of the circuit court shall send to the county collector to whom the taxes**
30 **on the property involved would be due a notice that an appeal seeking**
31 **exemption has been filed, which notice shall contain the name of the**
32 **taxpayer, the case number assigned by the court, and the parcel or**
33 **locator number of the property being appealed. The notice to the**
34 **collector shall state that the taxes in dispute are to be impounded in**
35 **accordance with subsection 2 of section 139.031, RSMo.**

36 4. Upon the timely filing of an appeal to the state tax commission as
37 provided in this section, **or the transfer of an appeal to the commission in**
38 **accordance with subsection 5 of this section**, the [state tax] commission [or
39 the clerk of the circuit court, as applicable,] shall send to the county collector to
40 whom the taxes on the property involved would be due, a notice that an appeal
41 has been filed **or transferred as the case may be**, which notice shall contain
42 the name [and address] of the taxpayer filing the appeal, **the appeal number**
43 **assigned by the commission, the parcel or locator number of the**
44 **property being appealed, the assessed value by the board of**
45 **equalization and the assessed value proposed by the taxpayer, if such**
46 **values have been provided to the commission when the appeal is**
47 **filed. The notice to the collector shall state that the taxes in dispute**
48 **are to be impounded in accordance with subsection 2 of section 139.031,**
49 **RSMo. Notice to the collector of an appeal filed in an odd-numbered**
50 **year shall also serve as notice to the collector to impound taxes for the**
51 **following even-numbered year if no decision has been rendered in the**
52 **appeal. The state tax commission shall notify the collector once a**
53 **decision has been rendered in an appeal.**

54 5. If the circuit court, after review of the appeal, finds that the appeal is
55 not a proper subject for the appeal to the circuit court as provided in subsection
56 3 of this section, it shall transfer the appeal to the state tax commission for
57 consideration.

58 6. If an assessor classifies real property under a classification that is
59 contrary to or in conflict with a determination by the state tax commission or a
60 court of competent jurisdiction of said property, the taxpayer shall be awarded
61 costs of appeal and reasonable attorney's fees on a challenge of the assessor's
62 determination.

138.435. 1. There is hereby established within the state tax

2 commission the "Office of State Ombudsman for Property Assessment
3 and Taxation", for the purpose of helping to assure the fairness,
4 accountability, and transparency of the property tax process.

5 2. The office shall be administered by the state ombudsman, who
6 shall devote his or her entire time to the duties of the position.

7 3. The office shall establish and implement procedures for
8 receiving, processing, responding to, and resolving complaints made by
9 or on behalf of taxpayers relating to assessments, valuation of property,
10 tax levies of political subdivisions, and appeals before the assessor,
11 board of equalization, or the state tax commission.

12 4. The ombudsman or representatives of the office shall have the
13 authority to:

14 (1) Investigate any complaints or inquiries that come to the
15 attention of the office. The ombudsman shall have access to review
16 taxpayer records, if given permission by the taxpayer or the taxpayer's
17 legal guardian. Taxpayers shall have the right to request, deny, or
18 terminate any assistance that the ombudsman may provide;

19 (2) Make the necessary inquiries and review of such information
20 and records as the ombudsman or representative of the office deems
21 necessary to accomplish the objective of verifying these complaints.

22 5. The office shall acknowledge complaints, report its findings,
23 make recommendations, gather and disseminate information and other
24 material, and publicize its existence.

25 6. The ombudsman may recommend to the relevant state or local
26 governmental agency or political subdivision changes in the rules and
27 regulations adopted or proposed by such governmental agency or
28 political subdivision which do or may adversely affect the rights or
29 privileges of taxpayers. The office shall analyze and monitor the
30 development and implementation of federal, state and local laws,
31 regulations, and policies with respect to property assessment and
32 taxation, and shall recommend to the state tax commission changes in
33 such laws, regulations, and policies deemed by the office to be
34 appropriate.

35 7. The office shall promote community contact and involvement
36 with taxpayers through the use of volunteers and volunteer programs
37 to encourage citizen involvement in the property tax process.

38 **8. The office shall prepare and distribute to each county written**
39 **notices which set forth the address, telephone number, and e-mail**
40 **address of the office, a brief explanation of the function of the office,**
41 **the procedure to follow in filing a complaint, and other pertinent**
42 **information.**

43 **9. The county shall ensure that such written notice is available**
44 **upon request of any taxpayer.**

45 **10. The office shall inform taxpayers or their legal guardians of**
46 **their rights and entitlements by means of the distribution of**
47 **educational materials and group meetings.**

139.031. 1. Any taxpayer may protest all or any part of any current taxes
2 assessed against the taxpayer, except taxes collected by the director of revenue
3 of Missouri. Any such taxpayer desiring to pay any current taxes under protest
4 shall, at the time of paying such taxes, file with the collector a written statement
5 setting forth the grounds on which the protest is based. The statement shall
6 include the true value in money claimed by the taxpayer if disputed.

7 **2. For all tax years beginning on or after January 1, 2009, any**
8 **taxpayer desiring to protest any current taxes shall make full payment**
9 **of the current tax bill and file with the collector a written statement**
10 **setting forth the grounds on which the protest is based.**

11 **3. Upon receiving payment of current taxes under protest pursuant to**
12 **subsection 1 of this section or upon receiving from the state tax commission**
13 **or the circuit court notice of an appeal from the state tax commission or**
14 **the circuit court pursuant to section 138.430, RSMo, the collector shall**
15 **disburse to the proper official all portions of taxes not protested or not**
16 **disputed by the taxpayer and shall impound in a separate fund all portions of such taxes**
17 **which are protested or in dispute. [Except as provided in subsection 3 of this**
18 **section,] Every taxpayer protesting the payment of current taxes under**
19 **subsection 1 or 2 of this section shall, within ninety days after filing his**
20 **protest, commence an action against the collector by filing a petition for the**
21 **recovery of the amount protested in the circuit court of the county in which the**
22 **collector maintains his office. If any taxpayer so protesting his taxes under**
23 **subsection 1 or 2 of this section shall fail to commence an action in the**
24 **circuit court for the recovery of the taxes protested within the time prescribed in**
25 **this subsection, such protest shall become null and void and of no effect, and the**
26 **collector shall then disburse to the proper official the taxes impounded, and any**

27 interest earned thereon, as provided above in this subsection.

28 [3.] 4. No action against the collector shall be commenced by any
29 taxpayer who has, **effective** for the current tax year [in issue], filed with the
30 state tax commission **or the circuit court** a timely and proper appeal of the
31 [protested taxes. Such taxpayer shall notify the collector of the appeal in the
32 written statement required by subsection 1 of this section] **assessment of the**
33 **taxpayer's property**. The **portion of taxes** [so protested] **in dispute from**
34 **an appeal of an assessment** shall be impounded in a separate fund and the
35 commission **in its decision and order issued pursuant to chapter 138,**
36 **RSMo, or the circuit court in its judgement** may order all or any part of
37 such taxes refunded to the taxpayer, or may authorize the collector to release and
38 disburse all or any part of such taxes [in its decision and order issued pursuant
39 to chapter 138, RSMo].

40 [4.] 5. Trial of the action, **for recovery of taxes protested under**
41 **subsection 1 or 2 of this section**, in the circuit court shall be in the manner
42 prescribed for nonjury civil proceedings, and, after determination of the issues,
43 the court shall make such orders as may be just and equitable to refund to the
44 taxpayer all or any part of the current taxes paid under protest, together with
45 any interest earned thereon, or to authorize the collector to release and disburse
46 all or any part of the impounded taxes, and any interest earned thereon, to the
47 appropriate officials of the taxing authorities. Either party to the proceedings
48 may appeal the determination of the circuit court.

49 [5.] 6. All the county collectors of taxes, and the collector of taxes in any
50 city not within a county, shall, upon written application of a taxpayer, refund or
51 credit against the taxpayer's tax liability in the following taxable year and
52 subsequent consecutive taxable years until the taxpayer has received credit in full
53 for any real or personal property tax mistakenly or erroneously levied against the
54 taxpayer and collected in whole or in part by the collector. Such application shall
55 be filed within three years after the tax is mistakenly or erroneously paid. The
56 governing body, or other appropriate body or official of the county or city not
57 within a county, shall make available to the collector funds necessary to make
58 refunds under this subsection by issuing warrants upon the fund to which the
59 mistaken or erroneous payment has been credited, or otherwise.

60 [6.] 7. No taxpayer shall receive any interest on any money paid in by the
61 taxpayer erroneously.

62 [7.] 8. All protested taxes **impounded under protest under**

63 **subsection 1 or 2 of this section and all disputed taxes impounded**
64 **under notice as required by section 138.430, RSMo,** shall be invested by
65 the collector in the same manner as assets specified in section 30.260, RSMo, for
66 investment of state moneys. A taxpayer who is entitled to a refund of protested
67 **or disputed** taxes shall also receive the interest earned on the investment
68 thereof. If the collector is ordered to release and disburse all or part of the taxes
69 paid under protest **or dispute** to the proper official, such taxes shall be
70 disbursed along with the proportional amount of interest earned on the
71 investment of the taxes due the particular taxing authority.

72 [8.] **9.** On or before March first next following the delinquent date of
73 taxes paid under protest **or disputed**, the county collector shall notify any taxing
74 authority of the taxes paid under protest **and disputed taxes** which would be
75 received by such taxing authority if the funds were not the subject of a protest **or**
76 **dispute**. Any taxing authority may apply to the circuit court of the county or
77 city not within a county in which a collector has impounded protested **or**
78 **disputed** taxes under this section and, upon a satisfactory showing that such
79 taxing authority would receive such impounded tax funds if they were not the
80 subject of a protest **or dispute** and that such taxing authority has the financial
81 ability and legal capacity to repay such impounded tax funds in the event a
82 decision ordering a refund to the taxpayer is subsequently made, the circuit court
83 shall order, pendente lite, the disbursal of all or any part of such impounded tax
84 funds to such taxing authority. The circuit court issuing an order under this
85 subsection shall retain jurisdiction of such matter for further proceedings, if any,
86 to compel restitution of such tax funds to the taxpayer. In the event that any
87 protested **or disputed** tax funds refunded to a taxpayer were disbursed to a
88 taxing authority under this subsection instead of being held and invested by the
89 collector under subsection [7] **8** of this section, such taxing authority shall pay
90 the taxpayer entitled to the refund of such protested **or disputed** taxes the same
91 amount of interest, as determined by the circuit court having jurisdiction in the
92 matter, such protested **or disputed** taxes would have earned if they had been
93 held and invested by the collector.

94 [9.] **10.** No appeal filed **from the circuit court's or state tax**
95 **commission's determination pertaining to the amount of refund** shall
96 stay any order of refund, but the decision filed by any court of last review
97 modifying [the circuit court's or state tax commission's] **that** determination
98 [pertaining to the amount of refund] shall be binding on the parties, and the

99 decision rendered shall be complied with by the party affected by any
100 modification within ninety days of the date of such decision. No taxpayer shall
101 receive any interest on any additional award of refund, and the collector shall not
102 receive any interest on any ordered return of refund in whole or in part.

163.044. 1. Beginning with the 2007 fiscal year and each subsequent
2 fiscal year, the general assembly shall appropriate fifteen million dollars to be
3 directed in the following manner to school districts with an average daily
4 attendance of three hundred fifty students or less in the school year preceding the
5 payment year:

6 (1) Ten million dollars shall be distributed to the eligible districts in
7 proportion to their average daily attendance; and

8 (2) Five million dollars shall be directed to the eligible districts that have
9 an operating levy for school purposes in the current year equal to or greater than
10 the performance levy **and any school districts which have an operating**
11 **levy for school purposes in the current year less than the performance**
12 **levy solely due to a modification of such district's levy required under**
13 **subdivision (4) of subsection 5 of section 137.073, RSMo.** A
14 tax-rate-weighted average daily attendance shall be calculated for each eligible
15 district in proportion to its operating levy for school purposes for the current year
16 divided by the performance levy with that result multiplied by the district's
17 average daily attendance in the school year preceding the payment year. The
18 total appropriation pursuant to this subdivision shall then be divided by the sum
19 of the tax-rate-weighted average daily attendance of the eligible districts, and the
20 resulting amount per tax-rate-weighted average daily attendance shall be
21 multiplied by each eligible district's tax-rate-weighted average daily attendance
22 to determine the amount to be paid to each eligible district.

23 2. The payment under this section shall not be transferred to the capital
24 projects fund.

25 3. Except as provided in subsection 2 of this section, districts receiving
26 payments under this section may use the moneys for, including but not limited
27 to, the following:

28 (1) Distance learning;

29 (2) Extraordinary transportation costs;

30 (3) Rural teacher recruitment; and

31 (4) Student learning opportunities not available within the district.

164.151. 1. The questions on bond issues in all districts shall be

2 submitted in substantially the following form:

3 Shall the board of education borrow money in the
4 amount of dollars for the purpose of and issue bonds for
5 the payment thereof **resulting in an estimated increase to the debt service**
6 **property tax levy of (amount of estimated increase) per one**
7 **hundred dollars of assessed valuation? If this proposition is approved,**
8 **the adjusted debt service levy of the school district is estimated to**
9 **increase from (amount of current school district levy) to**
10 **(estimated adjusted debt service levy) per one hundred dollars assessed**
11 **valuation of real and personal property.**

12 2. If the constitutionally required number of the votes cast are for the
13 loan, the board may, subject to the restrictions of section 164.161, borrow money
14 in the name of the district, to the amount and for the purpose specified in the
15 notices aforesaid, and issue bonds of the district for the payment thereof.

Section 1. The director of the department of revenue shall collect
2 **a maximum fee of one half of one cent per motor vehicle or driver**
3 **license record for batch/bulk customer requests that meet the criteria**
4 **enumerated in the Drivers Privacy and Protection Act.**

[138.395. The state tax commission shall notify each school
2 district of the equivalent sales ratio for the previous year adopted
3 for determining the equalized assessed valuation of the property
4 and the equalized operating levy of the school district for
5 distributions of school foundation formula funds at least thirty
6 days prior to the certification of such ratio to the department of
7 elementary and secondary education, and shall provide the school
8 district an opportunity for a meeting with the commission, or a
9 duly authorized agent thereof, on such ratio prior to such
10 certification. Prior to January 1, 1997, in certifying said ratios to
11 the department of elementary and secondary education, the
12 commission shall certify all ratios at thirty-three and one-third
13 percent. On and after January 1, 1997, in certifying such ratios to
14 the department of elementary and secondary education, the
15 commission shall certify all ratios higher than thirty-one and
16 two-thirds percent at thirty-three and one-third percent. On and
17 after January 1, 1998, if the state tax commission, after performing
18 the computation of equivalent sales ratio for the county and

19 recomputing such computation to ensure accuracy, finds that such
20 equivalent sales ratio for the county is less than or equal to
21 thirty-one and two-thirds percent, the state tax commission shall
22 reduce the county's reimbursement by fifteen percent the following
23 year if it is not corrected by subsequent action of the state tax
24 commission.]

✓

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